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History

THE

HISTORY OF NORTH AMERICA

GUY CARLETON LEE, PH. D.

OF

JOHNS HOPKINS AND COLUMBIAN UNIVERSITIES, EDITOR

EDITORIAL EDITION

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MARTIN VAN BUREN

From the original painted by Williams in 1828, when Van Buren was Governor of New York, now in possession of the New Haven Colony Historical Society.

From the original painted by C. P. A. Healy in 1857, now in the Corcoran Gallery, Washington.

THE HISTORY OF NORTH AMERICA

VOLUME XIII

THE GROWTH OF THE NATION 1837 TO 1860

From the beginning of Van Buren's administration to the close of that of Buchanan

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BY

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AND

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EDITOR'S INTRODUCTION

THERE are few years in our national history that more properly deserve the epithet transitional than those between 1837 and 1860. The first of these dates marks the close of the stormy but vivifying terms of the sturdy patriot and turbulent politician, Andrew Jackson. The second date closes those years during which James Buchanan, the man of high intention but weak performance, strove to guide the progress of affairs that were rapidly becoming too stupendous and assertive to be controlled by him, or, indeed, by any man who could have been elected to the presidential office. The times were not for weak men, because they were swept along in the current of events; they were such as to wreck strong men, because effective personal followings seemed to have passed with the great triumvirate, Clay, Webster, and Calhoun, and without a personal following stronger than the strongest possessed by these leaders, no man could have directed, much less controlled, the forces that were moving to an inevitable climax.

In writing of these transitional years our authors have produced the second of the two volumes which in THE HISTORY OF NORTH AMERICA compass the span from the period of ferment and adjustment, in which the Constitution became in truth the Instrument of Government, to the beginning of the Civil War period. In these two volumes our authors have described the steps by which the North and the South moved toward that predestined collision which

had been threatening for a century; but the manner of the description differs radically in the two volumes. In the first, Professor Stevenson found the insistent subjects were personal and sociological. He found that the people of the United States were partisans of men more than of principles; that individuality, not beliefs, influenced the movement of national life. Therefore, in writing of the period from 1809 to 1837, Professor Stevenson was forced to devote much space to men as leaders, and with this bias of treatment he was obliged to stress what may be called the sociological side of the nation's development. He set forth at length the methods and means by which the individuals, while making their several ways, built up the nation's prosperity. We find, therefore, in the first volume, much attention given to needs and opportunities, to successes and failures, outside of the field of politics. Yet, though in the first volume devoted to "Growth," the personal and sociological side of the national progress was stressed, the political phase of national development was not neglected, and its great movements were set forth in order and with due emphasis.

In the present volume, however, we have other points of stress. The personal element gives place to party rule—principles and not men play the leading part in directing national affairs. The material progress of the people save in isolated instances, runs in the directions, even if it does not follow the grooves, established by the years of the first period of "Growth"; policies strike out independent orbits; measures burst the trammels set upon them during the years ending with 1837—it is the era of change in political movements.

The politicians of the first quarter of the nineteenth century believed that they had created an era of good feeling which was to endure; although they were not so fatuous as not to anticipate occasional friction, they had no thought of its resulting in serious effects. The second was, however, to disillusion those sanguine prophets. In fact, the

statesmen of the Van Buren period were blind to the future, seeing but dimly the current that in swiftly moving concentric circles was whirling the nation to our national catastrophe.

The beginning and end of the whole movement was the result of the demand of the South for the extension of its peculiar institution—slavery. The insistence of the South was met by the equally strong stubbornness of the North, which, as the years passed, became ever more firm in the opinion that the very salvation of the nation lay in two things: the repression of the slavery interest, as such, and the repression of the South, as such. In other words, the endeavor of the South to increase its influence in national affairs seemed to the North, and particularly to the Northeast, to be a movement to be crushed at any cost. Every other matter in the second period of "Growth" is crowded aside by the force of the slavery question and its subsidiary matters. The interest of the politician of that period is centred in his own section, not in the fate of the nation at large. It is, in fact, an era of politics and sectionalism. To describe in sufficient detail these great movements, and yet not to lose sight of the sociological progress of the nation, has been the aim of Professor Sikes and Mr. Keener, and this difficult task has been accomplished in a manner that deserves praise. There has been a satisfactory coördination of the events occurring in widely separated sections, and there has been a competent delineation of differing characters and a vivid presentation of conflicting interests. So, with careful and accurate scholarship, the events of this period have been carried to their climax—the election of Lincoln.

GUY CARLETON LEE.

Johns Hopkins University.

AUTHORS' PREFACE

An attempt has been made in this volume to interpret the period beginning with the administration of Van Buren and closing with that of Buchanan in the light of national progress. To do this, certain guides had to be selected and followed. Fortunately the difficulty of selection was reduced by reason of the paramount nature of the great divisive question of slavery. But to attempt to interpret any period of national life in terms of one influence would be to reduce the scheme of national progress to a simplicity not justified by the facts. In the formative period of a nation's life it is not difficult to select the main lines of national development even though they have not become pronounced. In the efflorescent periods the scheme of historical statement can have little regard to particular lines of progress and must be largely concerned with prevailing influences.

In the period here treated we have both the formative principles and the efflorescent aspects to consider. For this reason the task is difficult. One is tempted to regard the period as so distinctively formative as to devote his attention exclusively to the evolution of political principles, to the neglect of economic and social conditions.

The authors have sought to avoid this limited view in their work; to consider the period as one when national exuberance was given expression in many forms of national progress and economic innovation, but at the same time to

have regard to the single great constitutional question that the Federalists had left to become the thorn in the flesh of subsequent generations.

National life suffered from the shock of facing the unsolvable question of slavery in every avenue of enterprise and every social relation. Religion took its cast from it, society bore its impress, political economy paid tribute to it, literature reflected it, public opinion was formed in its mould. And yet until the very last days of our period men generally disclaimed belief that it contained the potentialities of a national tragedy.

But this consideration and debate brought knowledge. The nation saw that the principle upon which it was divided was fundamental, not phenomenal. Slavery came to be regarded simply as the test question of the respective claims of State sovereignty and National dominance. This gave to the period a constitutional importance hardly eclipsed by that in which the Federal principles were forged in the making of the national Constitution.

Necessarily the period was, politically, one of debate, having in it little of action. No nation in the world's history has presented a more brilliant forum than the United States at the time of the great debates upon slavery in its relation to the national territory. The authors have endeavored to thread their way through the difficult and often confusing struggles in Congress and to interpret the debates in the light of actual happenings, and thus to give the abstractions of political principles their concrete relations.

The period was distinctively one of constitutional growth, as it was also one of social growth, although these developments were not coördinate. North and South were rapidly passing out of the orbit of common sympathy and purpose and their points of differentiation were designedly exaggerated by the radicals of each section. The period was also one of great territorial expansion; but the acquisition of domain can be treated only in relation to the national problems which it emphasized.

The authors will feel that they have fulfilled their task if they have presented the subject of their work in such wise that while the progress of the contest over slavery is considered in its connection with national events, it is nevertheless accompanied by such recital of the steps in the development of the nation that the reader will have been prepared for the inevitable conflict that was the climax of the period of "Growth."

ENOCH WALTER SIKES,
WILLIAM MORSE KEENER.

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THE GROWTH OF THE NATION
1837 TO 1860

From the beginning of Van Buren's administration to the close of that of Buchanan

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SIKES—KEENER

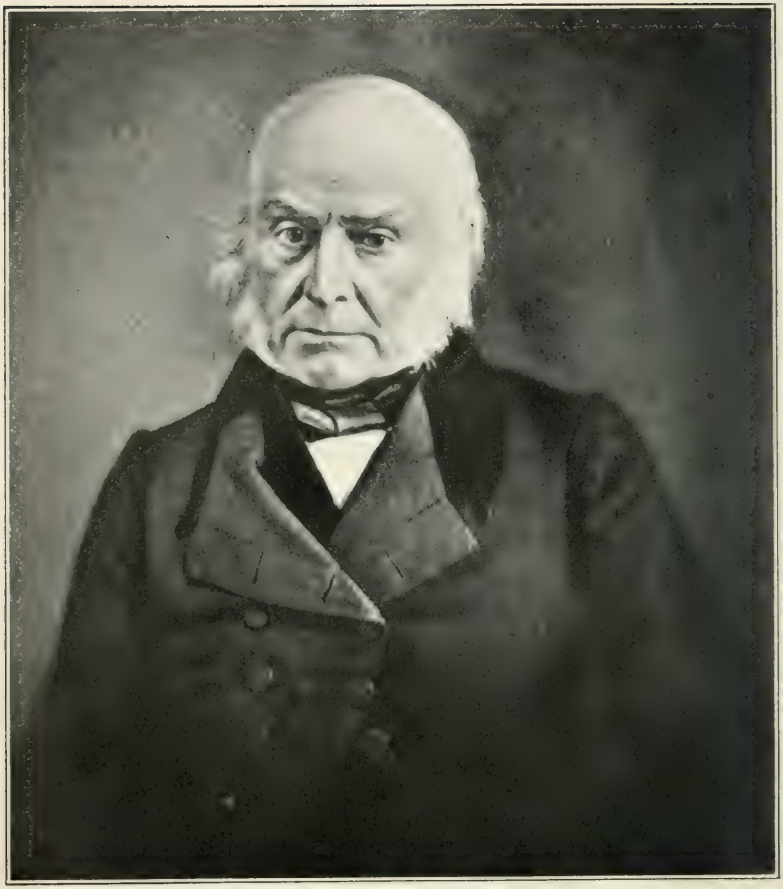
CHAPTER I

ADMINISTRATION OF VAN BUREN

THE election of Martin Van Buren to the presidency in November, 1836, was in no sense epochal, as it inaugurated no new policy and was the precursor of no reforms. And yet the election of the eighth president was a transitional event in the history of the country. So closely is his administration linked with that of his predecessor, Andrew Jackson, that the particulars, which otherwise would have been more dwelt upon in estimates of it, and might have been regarded as worthy of marking Van Buren's presidency as a distinct point in the path of national progress, have attached to them but incidental importance. It would have been a misfortune to any man to succeed such a strong personality as Jackson, and to have entered upon the presidency under the shadow of such vigorous policies as he had inaugurated. Van Buren was the legatee of Jackson in matters of policy, but, although he assumed the cloak of the people's prophet, he did not with it inherit a double portion of his spirit. He was handicapped both by circumstances and his personal limitations. Van Buren was the first president who had not been related to the earlier period of national construction. He had been born too late to be a factor in the events prior or related to the adoption of the Federal Constitution, and he had not, like his predecessor, been identified with military events; he had contributed nothing either to the formation or to the defence of the Union. Also, in

respect to his lineage and his section, Van Buren was distinguished from his predecessors: he was the first president not born a British subject and he was also the first president to be elected from the Middle States. A native of New York, of Dutch ancestry, he may be regarded as distinctively an American product. The line of demarcation between Van Buren and his predecessors with regard to matters of personality is as clearly seen in the sphere of political practice, for Van Buren was the first president evolved through the methods of practical politics. Political compliance as a substitute for political opinion was the distinguishing mark of Van Buren's mentality. In such a man, the capacity for origination would have been lacking in any event, so that, while due account must be taken of the strength of his predecessor in an estimate of Van Buren's administration, the circumstances of his succession to the presidency go further to explain his failure to enunciate clearly a progressive programme.

Van Buren was what has come to be phrased a self-made man. The one thing that differentiated him from the line of his ancestry, which was that of plodding and unambitious farmers, was his aspiration for better things. His training had been theirs in essential respects and his mental habit had set in their mould. The portraits of President Van Buren show a pleasing countenance, with a full round face terminating in a double chin. He was of medium height, and faultless in his attire. His face habitually wore a smile graven not only by cordiality, but by its possessor's studied efforts to please. This was not a false index to his character, for it indicated quiet good nature. The face was saved from being commonplace by the shrewdness revealed in the quick searching glances of blue eyes. There was nothing in his appearance to indicate a reserve depth of character: nothing decisive nor discriminating. He was a man to be set to the mould of another rather than himself to influence and control. Yet, when once fixed in a purpose, it was easy to discern from his outward aspect that



John Quincy Adams. *From a very early photograph.*

he would be unswerving in its pursuit, if for no other reason than that he had a large degree of self-complacency, which made him feel that the thing he determined upon ought to result. His temperament was calm and discreet, his manners were gentle, and by these happy endowments he was saved the possibility of friction to the point of personal quarrels. A word with regard to the early characteristics of Van Buren as given by his biographer, Mackensie, may serve to reveal the direct derivation of certain of the qualities of his matured character: "Martin Van Buren, the elder, was a shrewd, cunning, clever boy—very fond of betting, gambling and card playing—a first-rate pleader for a small fee, in cases tried before a justice of the peace—very persevering in such branches of study as he found particularly useful—good at trading horses and making bargains—and endeavored to give some consideration to that branch of the science of morals called politics, at a very early age."

In order better to appreciate the acts of Van Buren's administration it will be necessary to consider his political training, which made possible the following characterization of him by the New York *Evening Post*, in 1841: "Mr. Van Buren believes firmly in force of management, or the cool, considerate, artful application of general propositions to the existing temper and opinions of the masses, as far as these can be ascertained. He simply deals with the collective opinions of men, as manifested by the representatives, or otherwise conspicuous individuals from or among the people, by means of certain easy rules analogous to addition, subtraction, multiplication, and division in arithmetic. He belongs wholly to the present time, and may be said to represent trading or business politics. He is the very impersonation of party in its strictest features of formal discipline and exclusive combination."

The basis of Van Buren's aptitude for politics was a legal training. In 1796, in his fourteenth year, he entered the office of a local attorney at Kinderhook. He served an apprenticeship of seven years, the time required by the State statute for

the study of law by persons without preliminary collegiate training. Several years more were spent in mastering his profession before he became counsellor at law. Van Buren in the meanwhile had been received into the office of William P. Van Ness, of New York, a politician with considerable influence in the State, chiefly remembered for having served as Aaron Burr's second in his duel with Hamilton. Van Buren, through Van Ness, made the acquaintance of Vice-President Burr and exerted himself to secure his favorable regard. In 1803, at the age of twenty-one, Van Buren began a law practice at Kinderhook, having as a partner Stephen Miller. He practised law for five years, and at the same time cultivated acquaintance with politicians and political methods, so that his assistance in the local contest was regarded as giving him a claim to political consideration, and in 1808 he received appointment to a county office. Four years later he was elected to the State Senate. His political activity at this time may be well expressed in the following citation from the New York *Evening Star* of October, 1834: "When we look at the career of Mr. Van Buren, we are astonished at his perseverance, his industry, his close calculations, and his active, untiring spirit. Ever restless and perturbed, there is no chance that he leaves untouched—no efforts untried. He travels from county to county, from town to town, sees everybody, talks to everybody, comforts the disappointed, and flatters the expectant with hope of success."

In 1815, the sober, calculating politician was elected to the office of attorney-general of New York and continued to hold that position after taking his seat in the Senate until he was deprived of it by the De Witt Clinton party in 1819. Van Buren was now a practical politician of a pronounced type; his position and influence were such as to lead others to court his favor. His party organ, the *Argus*, exerted absolute influence over the organization which had been built up in opposition to the Clinton faction. The faction thus constituted by Van Buren received the name

of the Albany Regency. By perfecting this political machinery, Van Buren obtained control of the State, and with it that degree of national consideration which has ever since been accorded to New York State leaders. *The Democratic Review* of July, 1848, referring to his controlling influence in New York State politics, as evidenced by his influence in the Constitutional Convention of 1821, in which he took a firm stand against the sanctioning of universal suffrage, says: "The scheme of State politics devised by him in 1821, through which he controlled New York, and, holding in his hands the electoral vote of this State, dictated to the Union, is still a subject of admiration and theme of praise to those followers who look upon party trickery as statesmanship and who regard skill in legerdemain as praiseworthy as great learning in the sciences. Party centralization at Albany, controlling offices as well as safety-bank charters, presidents, cashiers, and directors in all the counties, formed machinery which set every man's face toward Albany like a political Mecca, and working this machinery gave Mr. Van Buren his title to national honors." Van Buren's political adaptability received no better illustration in the course of his career than that furnished by his varying attitude upon the question of prohibiting slavery in Missouri. In 1810, no one was more valiant and virulent in denunciation of slavery extension than he. Such an attitude was then a stepping-stone to popularity. At the time of which we are speaking, just a year before the Constitutional Convention of 1821, Van Buren went with the State Senate and Assembly in their unanimous passage of the resolution of the 20th of January, 1820, which was as follows:

"*Whereas*, the inhibiting the further extension of slavery in these United States is a subject of deep concern to the people of this State; and whereas, we consider slavery as an evil much to be deplored, and that every constitutional barrier should be interposed to prevent further extension; and that the Constitution of the United States clearly gives Congress the right to require from new States not comprised

within the original boundaries of these United States the prohibition of slavery as a condition of their admission into the Union,

"*Therefore resolved*, that our Senators be instructed, and our Representatives in Congress be requested, to oppose the admission, as a State, into the Union, of any Territory not comprised as aforesaid, without making the prohibition of slavery therein an indispensable condition of admission."

Van Buren did not limit his adherence to anti-slavery views to the fact of his vote upon this resolution, but, in company with William L. Marcy, travelled the State in an active canvass for Rufus King as a candidate for the United States Senate upon a prohibitive slavery platform. King's campaign for reëlection was successful, and Van Buren also in February of the year following was chosen by the legislature as King's colleague and entered upon his duties at the convening of the Seventeenth Congress, on December 3, 1821. At the time of his appearing in the arena of the national politics the Missouri question apparently had been settled by the famous Compromise.

In the campaign of 1824, the aspirants for presidential honors were John Quincy Adams, who, according to the practice of succession as Monroe's secretary of state, had a traditional claim to be elected, and who was the candidate of the Federalists, and William H. Crawford, of Georgia, who was the Democratic caucus nominee. Other candidates, each having personal adherents, were Henry Clay and John C. Calhoun. This number, however, was increased unexpectedly by the nomination of Andrew Jackson by the legislature of Tennessee. Through the acceptance by Calhoun of the vice-presidential nomination, the number of candidates was reduced to four. The failure of any one of the candidates to receive the constitutional majority threw the election into the House of Representatives, which gave its endorsement to John Quincy Adams. In this contest, Van Buren had given his support to Crawford, but failed to secure him the electoral vote of New York.

The large vote which Jackson had received in the electoral college led Van Buren to see in him the man for the presidential succession, and he straightway pinned his political fortunes to those of the Tennesseean. In this his political foresight was correct. A period of political trading, with Van Buren as its particular genius, now began. As early as December, 1826, he was under popular indictment of having entered into an agreement with Jackson by which, upon the latter becoming a candidate for the succession to Adams, Van Buren would secure him the vote of New York; in compensation for which Van Buren was to head Jackson's cabinet as secretary of state. In this trade, the terms of which became definitely known in May, 1827, we have a revelation of the full fruition in Van Buren's character of those political tendencies to which reference has already been made, and which made him the prototype of subsequent practical politicians. Up to this time, Van Buren had achieved little as a manipulator of national politics, but he was now promised a suitable emolument for value received. And while Van Buren was pledging himself to the furtherance of Jackson's presidential ambitions, there were not lacking clear-sighted estimates of Van Buren's ultimate gain. The *New York American*, as cited by Parton in his *Life of Andrew Jackson*, gave expression to these views as follows: "The apparent question now before the public is, who shall be our next president? but the real question is whether Martin Van Buren shall be president of the United States on and after the 4th of March, 1833? At that time the great State of New York, having never furnished a president, will have irresistible claims to that honor." The understanding of Van Buren and Jackson included De Witt Clinton for vice-president, but the death of Clinton making a break in the plan, Calhoun received the nomination and Van Buren became Governor of New York to fill the unexpired term of Clinton.

After the elections, which resulted in elevating Jackson to the presidency, in fulfilment of this ante-election agreement,

Van Buren resigned the governorship after but a brief term of office to accept the portfolio of secretary of state. Van Buren's services to Jackson as adviser terminated in April, 1831, as a result of the discord in the Cabinet, although Van Buren himself was in entire harmony with the president. He characteristically used such politic language in his letter of resignation as to disarm the resentment of Jackson, saying that his aspirations for presidential honors made it important that he should not become involved in the cabinet discord. His preservation of Jackson's favor secured him an *ad interim* appointment as minister to the court of St. James, but when the Senate convened he failed of confirmation by the casting vote of Vice-President Calhoun. Accordingly, "New York's favorite son" was called upon to return again to the scenes of his early activity. He was not long out of political harness, for in 1832 he became a candidate for the vice-presidency as the mate of Jackson, and on December 16, 1833, took his seat as president of the Senate.

Van Buren during his later political career, refrained from expressing himself upon the subject of slavery or indeed upon any other question concerning which he felt that a reservation of his views would promote his ambition. Calhoun, having his mind fixed upon the presidential candidacy, arranged a trap by which to force Van Buren to an expression of views on the subject of slave extension that would discredit him with the Southern voters, and thus remove him as a political rival. He had already introduced into the Senate a bill, aimed at the literature of the anti-slavery propaganda, prohibiting the transmission through the mails of seditious publications, and he now arranged that there should be a tie vote upon engrossing the bill, thus forcing the vice-president to an expression of opinion upon the merits of the case. Van Buren's unhesitating "aye" placed him upon the Southern side and frustrated Calhoun's ulterior purpose.

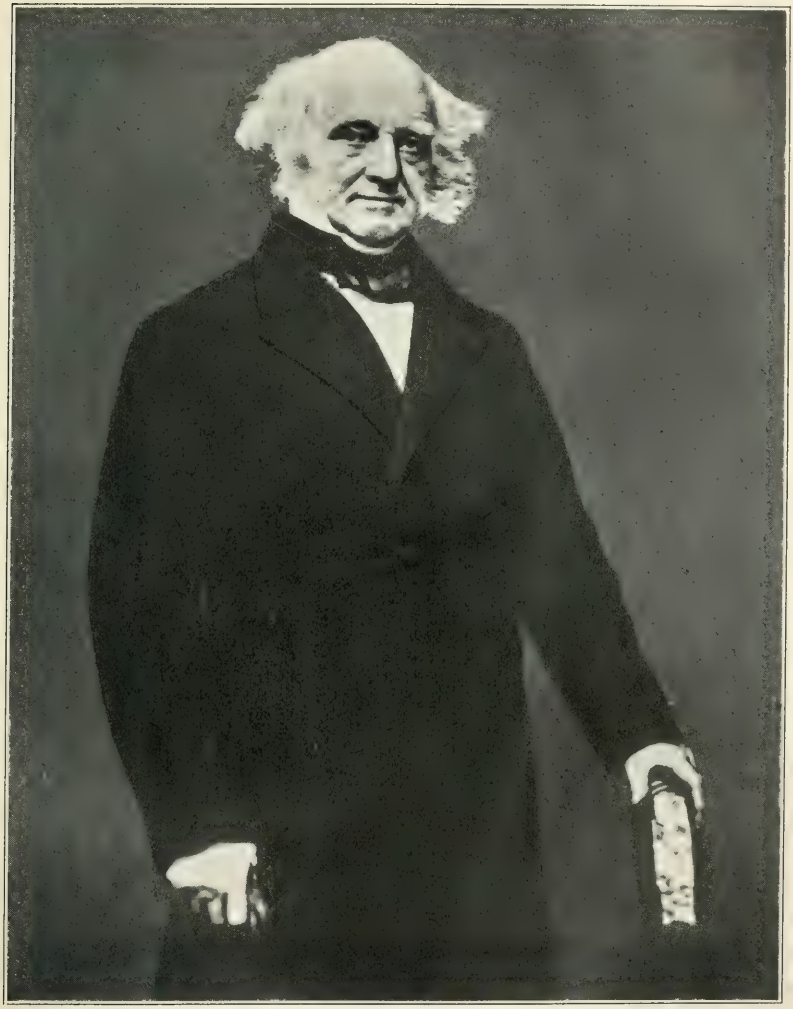
The political astuteness of Van Buren was again justified by the results of the election of 1836, which raised

him to the presidency. A circumstance of this election was the participation in the campaign of the new Whig party which had come into existence, but which, not being sufficiently united to concentrate upon one candidate, distributed its votes among William Henry Harrison, of Ohio, Judge H. L. White, of Tennessee, Daniel Webster, of Massachusetts, and Willie P. Mangum, of North Carolina. The Whigs hoped to throw the election into the House of Representatives, and thus to have an opportunity of defeating Van Buren, but the active participation of Jackson in the campaign won the issue for the man who was recognized as his political protégé. Failing the election of a vice-president, that office was filled by a vote of the Senate, Richard M. Johnson, of Kentucky, being elected. Van Buren received one hundred and seventy electoral votes as against the total aggregate vote of one hundred and twenty-four secured by his opponents. He carried the Middle States, Virginia, and a large section of the South. But Van Buren fell far short of the electoral vote secured by Jackson in 1832, which was two hundred and nineteen. The popular vote was no less an indication of the slight hold which Van Buren had upon the people, for his total popular majority amounted to less than twenty-five thousand, while that of Jackson, in 1832, had been one hundred and fifty-seven thousand. Although all the States excepting South Carolina at this time employed the method of a popular vote and a general ticket for the selection of presidential electors, there was a lack of uniformity as to the day of election. The difference in time among the States ranged all the way from November 4th, in Ohio and Pennsylvania, to November 23d, in Rhode Island. Thus the election returns were long in being completed. But there was not a great deal of interest manifested in the campaign of 1836 and its results from the point of view of issues, for it was felt that the gravest question before the country, that of slavery extension, had been settled by the happy expedient of the Missouri Compromise. It is true that

there had been sporadic outbreaks of abolition sentiment, but these had failed to influence any section of the people whose adherence would have given abolition national importance.

The elevation of Van Buren to the presidency was the crowning victory of Andrew Jackson. Van Buren being committed irrevocably to the policy of his predecessor, a fact of public knowledge, his election was a signal vote of confidence in the administrative policies of Andrew Jackson, notwithstanding the fact that the decreased vote carried with it a warning for the party. The centre of popular enthusiasm on the occasion of the inauguration of Van Buren was not the new president but the old. It was not the man who read an address pledging him to nothing and proposing no measures, who called forth the cheers and plaudits of the assembled throng, but the man at his side, who had held the reins of government more tautly than any other executive in the nation's history.

But not even Jackson realized the portentousness of some of the administrative measures that he was passing on to his successor. The presidential legatee found himself face to face with an issue, which, while it was a bequest from the conditions of the former administration, he was called upon to meet with such powers of statesmanship as he himself possessed. Van Buren had been president but a short time when there occurred a financial crash that precipitated a panic greater than any other yet experienced in the country's history. He faced the situation with a calm selfness and evinced administrative qualities worthy of praise. The combination of causes which led to the panic may readily be summarized. The liquidation of the public debt, the expansion of commerce, bringing with it return cargoes from the ports of China and South America, were indices to prosperity of a high order; manufactures also were greatly stimulated. The spirit of speculation, always promoted by a period of prosperity, swept everyone before it. It was the time of vast undertakings



Martin Van Buren. *From a very early photograph.*

and hazardous ventures, and the public funds, as well as those of private persons, were at the easy command of any engaging enterprise. The tenet of State sovereignty in the matter of finance reached its utmost limits. The States spent money for internal improvements with recklessness; speculative enterprises abounded; the West began to be dotted by "boom" towns, many of which never got further than the plans of their promoters. As an index to the extent of such enterprises may be instanced the great increase in the sale of public lands in 1835. At that time the sum netted was twenty-four million dollars, while in previous years the sum realized had frequently dropped below two million. It was the period of canal projects and of railroads. But this overplus of prosperity bore with it the elements of a sure contraction. Jackson's specie circular, requiring payment for public lands to be made in coin, aided in depleting the specie in circulation, and the division of the treasury surplus among the States were the forces unseen under the mass of confident ventures. A contributing cause of the panic was the overpurchasing of European commodities, which drained the banks of their specie, as the sales of the merchants were not active enough to provide them, from the money in circulation, with the coin they needed for foreign payments.

Sudden as seemed the onset of the panic, its symptoms were cumulating throughout the previous winter; gatherings of unemployed men were to be found in the large cities, bitterly declaiming against existing conditions. "No rag money; give us gold or silver; down with the chartered monopolies," thus ran the fiery posters on the walls of New York. Van Buren had had his equanimity tested by the industrial situation while still occupying the vice-presidential chair, for, on March 7, 1836, Henry Clay, presented in the Senate a petition from the workingmen of Philadelphia, and addressing the vice-president directly, said: "Those who in this chamber support the administration could not render a better service than to repair to the executive mansion and,

placing before the chief magistrate the naked truth and undisguised truth, prevail upon him to retrace his steps and abandon his fatal experiment. No one, sir, can perform that duty with more propriety than yourself. You can, if you will, induce him to change his course. To you, then, sir, in no unfriendly spirit, but with feelings softened and subdued by the deep distress which pervades every class of our countrymen, I make the appeal. Go to him and tell him, without exaggeration, but in the language of truth and sincerity, the actual condition of his bleeding country. Tell him it is nearly ruined and undone by the measures which he has been induced to put in operation. Tell him that in a single city more than sixty bankruptcies, involving a loss of upward of fifteen millions of dollars, have occurred. Tell him of the alarming decline of all property, of the depreciation of all the products of industry, of the stagnation in every branch of business, and of the close of numerous manufacturing establishments which, a few short months ago, were in active and flourishing operation. Depict to him, if you can find language to portray, the heartrending wretchedness of thousands of the working classes cast out of employment. Tell him of the tears of helpless widows, no longer able to earn their bread; and of unclad and unfed orphans who have been driven by his policy out of an honest livelihood." After paying the closest heed to this apostrophic appeal, Van Buren called some one to take the chair and walked down to Clay's seat and quietly asked him for a pinch of his "fine maccaboy snuff," after receiving which he calmly walked away.

By April, 1837, the strained credit of the country snapped in New York, and in one after another of the other eastern centres. The people were loud in their clamor against the government, to whose account they charged up the sudden calamity which had befallen them. Committees representing mass meetings, and bearing with them resolutions of censure and petitions for the adoption by the government of measures to relieve the situation, besieged the

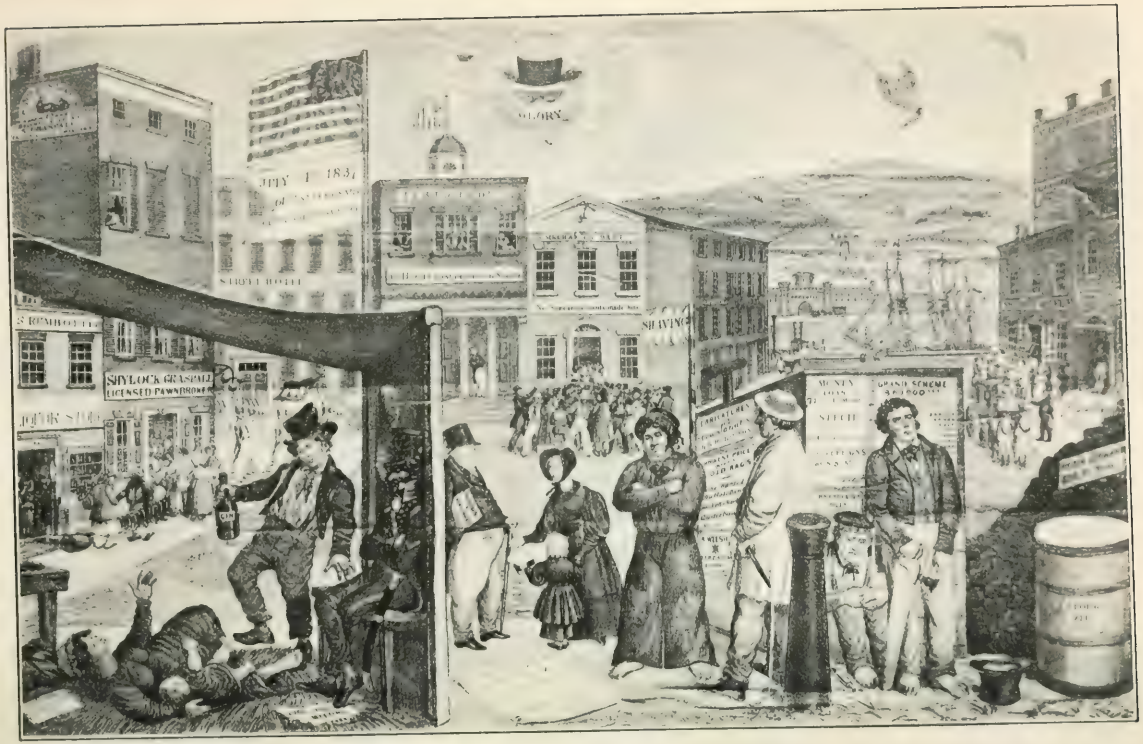
administration. The president promised governmental relief in some tangible form. Nor were the assurances of Van Buren without foundation, for he was evolving his Independent Treasury scheme. The chief products of America, cotton, tobacco, and breadstuffs, felt severely the shock of the industrial unsettlement. The chief banking establishments of New York and Philadelphia tried to steady the situation and to impart confidence, but their efforts were entirely unavailing. The situation became more desperate when it was learned that the Bank of England denied foreign credit to American banking houses. These institutions were driven to concerted action in order to protect themselves from the wild run of depositors, and on May 10th, the New York banks suspended specie payment. Their action was quickly followed by those of Boston, Philadelphia, and Baltimore. Biddle's Bank, of Philadelphia, the institution which was, in a way, the successor of the Bank of the United States, failed. After renewal of the charter of the latter had been denied by Congress, Biddle, its president, applied for and received from Pennsylvania the charter of a bank. With its suspension was broken a link in the financial traditions of the country. By the irony of events, the very security which Jackson sought to obtain for the national deposits by his system of State banks was swept away by the tide of financial disaster. The banks patronized by the government held their own no better than the State institutions.

The collapse of the government's depositories involved nine millions or more of funds, which were divided among the banks of twenty-six States. The government had no specie available to meet its payments and the Treasury was so depleted of bullion that there was scarcely a million dollars' worth remaining. Levi Woodbury, Secretary of the Treasury, was forced to pay the public creditors, whether contractors, pensioners, soldiers, sailors, or persons in the civil service, with the paper of the very banks which had suspended specie payment. The general irritation at

this state of affairs was accentuated by the fact that the highest grades of public servants were paid in specie. The president, high officials of the nation, and the members of Congress were thus favored.

The tide of protest, represented by a great mass meeting of the merchants of New York, held in May, broke itself against the rock of Van Buren's loyalty to Jackson, and a new circular issued from the Post Office Department extended the requirement of specie payments to all transactions in connection with the mail service of the government. Exasperation reached almost the last point of endurance and public meetings in succession took up the note of criticism of the government's blind adherence to the financial policy of Jackson. They denounced as despotism a system which paid out paper and required return payments in coin. But the government itself became affected by the collapse of the banks which were the custodians of the public funds. On May 15, 1837, Van Buren called an extra session of Congress, to be held on the first Monday of the following September. Then was made the first positive announcement of Van Buren upon the subject of the national exigency through which the independent treasury was called into being.

Upon the assembling of the Twenty-fifth Congress on September 4, 1837, the House of Representatives organized by reëlecting James K. Polk as Speaker, with a slight majority of eight votes over his Whig rival, John Bell, of Tennessee. The following day the president's message was received. It recited the portentous events of the previous six months, dwelt upon the suspension of the deposit banks and the retardation of public operations which had followed. The Act of 1836 had struck from the list of preferred banks those that had failed to pay in specie and to meet their obligations to the government. But it had not been found easy to secure others to take their place. The delinquency of the banks had so involved the government that a treasury deficit of considerable proportions had arisen. If the



"The Times." Caricature published in 1837. *From the print in the Library of Congress, Washington.*

government measures passed by the Congress of the winter before were to be carried out, it was necessary to obtain additional sums; but how was the money to be secured? Even if the nine millions of dollars which had been lost in the collapse of the banks, and which were to be divided among the States on October 1st, could be applied to the national disbursements, it would still be necessary to supplement the government resources by the issue of treasury notes. Such was the financial outlook. It was needful that some measure should be introduced adequate to tiding the government over its present embarrassment. Such a plan was now produced by Van Buren. He proposed to make the government the custodian of its own funds by a system of sub-treasuries. The president fortified his proposition with convincing arguments. These he elaborated in a report from the secretary of the treasury, which accompanied his message. The plan was not received with much enthusiasm, for it meant the permanent supplanting of the national bank by a new financial system or the permanent setting aside of the late experiment of State banks. Specifically these objections were urged: Would not the treasury scheme further strengthen the arm of the executive? Would not the very fact of a treasury surplus, when the years of famine had been succeeded by the return of prosperity, be of itself the cause of new business convulsions? In a word, would not the accumulation of millions of inactive dollars be a cause of business disturbance? At the best, the scheme was regarded as incomplete.

The Whigs were in a position to gain from the errors of their adversaries, and this is the keynote of their attitude toward the administration during the extra session. A letter of Henry Clay said: "Undoubtedly such an opposition should avail itself of the errors of the new administration; . . . If a president may name his successor and bring the whole machinery of the government, including its one hundred thousand dependents, into the canvass, and if by such means he achieves a victory, such a fatal

precedent as this must be rebuked and reversed, or there is an end of the freedom of election. Now I think that no wisdom or benefit, in the measure of the new administration, can compensate or atone for this vice in its origin." The narrow view expressed by Clay cannot find justification in the characteristics of Van Buren. The country was in a state of distress and the plan of Van Buren was a feasible proposition for remedying the condition. Embarrassment of the administration was to be made the stepping-stone of the Whigs to power. Clay's candidacy was always in the foreground and the presidential prospect of 1840 was the shaping influence of the Whig policy. So contemptuously had Van Buren's election been regarded by the Whigs that the New York friends of Clay held a meeting to consider plans for the promotion of his candidacy in 1840 before the new incumbent of the presidential office had been a week in power. To discredit, to belittle, and, if possible, to defeat Van Buren's measure would be a direct blow at the president himself. Appeal was made to popular prejudice on the ground that the proposition of Van Buren brought no redress to the disordered business conditions of the country. But to such arguments the answer of Van Buren was direct. He stated that he did not propose to offer further relief measures, as it was no part of the duty of the government under the Constitution to assist persons out of the entanglement of business embarrassment. If the government provided the people with a satisfactory "constitutional currency" and collected its taxes in sound money, defrayed its expenses and met its own obligations in good currency, it was keeping its financial faith with the people. The opposition discredited the government and denied the worth of its recommendations, but it had no counter plan to offer.

The president's programme was presented in a series of bills. The first provided for a postponement of the fourth surplus instalment; but this bill provided for a theoretical condition rather than an actual, as the custom revenues and

the revenues from the sale of lands had dropped off with such rapidity that instead of a surplus there was a deficit. The surplus distributions, three in number, which had already been made had not proved unmixed blessings to the States. Some of them not only immediately used the early distributions, but went into debt in anticipation of more. Thomas H. Benton, from the point of view of a partisan of the administration, describes in particular the consequences of the distributions as follows: "In some States a *pro rata* division of the money, *per capita*, was made; and the distributive share of each individual being but a few shillings was received with contempt by some, and rejected with scorn by others. In other States, it was divided among the counties and gave rise to disjointed undertakings of no general benefit. Others, again, were stimulated by the unexpected acquisition of a large sum to engage in extensive and premature works of internal improvement, embarrassing the State with debt and commencing works which could not be finished. Other States, again, looking upon the deposit act as a legislative fraud to cover an unconstitutional and demoralizing distribution of public money to the people, refused for a long time to receive their proffered dividend, and passed resolutions of censure upon the authors of the act. And thus the whole policy worked out differently from what had been expected."

The opponents of the bill took the position that the provision for the disbursement of the treasury surplus was a contract entered into by the government with the States and that as such it must be fulfilled. If the surplus which should be forthcoming was exhausted by the needs of the government, that was no fault of the States; let the government borrow the necessary funds to pay its bills. When the bill came to a vote, it was carried by a slight majority. The ayes numbered one hundred and nineteen, and the nays one hundred and seventeen. But the apparent success of the bill was really an evidence of manipulation on the part of its foes, for some who were its enemies had cast a

favorable vote in order that they might have the privilege of moving its reconsideration. This was done by Mr. Pickens, of South Carolina, who made a motion to that effect, which was carried by a majority of seventy. The opposition to the measure was not confined to the Whigs, but embraced a number of Democrats as well. Silas Wright, the influential senator from Van Buren's own State,—a man who had mounted the political ladder with the antecedents not unusual to political success, of poverty, obscurity, and self-culture,—was the author of the measure which was introduced into the Senate on September 14, 1837, and which was passed by a small majority. The vote to reconsider the measure, which had the effect of laying it upon the table, was taken by the House on October 14th. Mr. Pickens next proposed an amendment providing a fixed time instead of the will of Congress for the transfer for the fourth instalment of the deposit to the States. The date set in the bill was January 1, 1839. The amendment was carried by a majority of forty, and, being concurred in by the Senate, became the law.

The second bill embodying the plan of the administration provided for the issue of ten million dollars in treasury notes. Clay, the leader of the opposition, sought to substitute a loan for the president's plan, but commanded only a few votes. In the debate upon the measure, Clay predicted that the enactment of the sub-treasury bill "must terminate in the total subversion of the State banks," and bring them under the absolute control of the general government. He argued that the public funds could not safely be trusted to public officers; the evils of favoritism would be fostered and the increase of Federal patronage would be an instrument of political iniquity. The executive would be strengthened in power, he declared, and "that perilous union of the purse and the sword, so justly dreaded by our British and Revolutionary ancestors, would become absolute and complete." —"Destroy the local banks," he exclaimed, and "the government will monopolize the paper issues of the country;

the Federal treasury itself will become a vast bank, with the sub-treasuries for its branches; a combined and concentrated money power will then be held, equal to all the existing banks with the United States Bank superadded. This tremendous power will be wielded by the secretary of the treasury under the immediate command of the president. Here will be a perfect union of the sword and the purse,—an actual, visible consolidation of the moneyed power. Who or what could withstand it? These States themselves will become suppliants at the feet of the executive for a portion of the paper emissions. The day may come when the Senate of the United States may have humbly to implore some future President to grant it money to pay its own sergeant-at-arms and doorkeeper."

In the light of the excellent results which have followed its employment, it is curious to find Clay representing the independent treasury scheme as a veritable Pandora's box of evils. The words with which he began his famous argument against the measure on February 19, 1839, must stand as one of those periodic and convincing testimonies to the fallibility of human forecasts. It was in part as follows: "If you knew, sir, what sleepless hours reflecting upon it has cost me, if you knew with what fervor and sincerity I have implored Divine assistance to strengthen and sustain me in my opposition to it, I should have credit with you, at least, for the sincerity of my convictions. And I have thanked my God that he has prolonged my life until the present time to enable me to exert myself in the service of my country against a project far transcending in pernicious tendency any that I have ever had occasion to consider."

The bill against which Clay chiefly directed his denouncements was the sub-treasury bill proper, or, as it was styled, the Divorce Bill. This was the measure which specifically made the government the actual custodian of its own funds, and which provided for the erection of sub-treasury buildings in New York, New Orleans, and other cities. The

measure passed the Senate but failed of consideration in the House during this called session. Nevertheless, it is related to this session by reason of the fact that the plan it embodied there got the impetus which carried it to final success.

Concurrently with the movements in Congress for the reorganization of the financial system of the country there were in operation forces in the commercial world to afford to business interests that measure of relief which Van Buren had declared was not an obligation laid upon the general government by the Constitution. It was the happy circumstance of the correlation of the designed efforts of government for the betterment of the condition of the country and the more or less undirected movements of economic forces that brought the nation out of its critical condition and again established financial security. An indication of the trend of these economic movements was given by the action of the banks of New York. These took initiatory measures toward the resumption of specie payment as early as August 15, 1837. At a general meeting of the officers of the banks of that city, steps were taken toward securing the attendance of the representatives of banks of other cities in a meeting to agree upon a time for general resumption. This action was formulated in a resolution that the banks of the several States be respectfully invited "to appoint delegates to meet on the 27th day of November next, in the city of New York, for the purpose of conferring on the time when specie payments may be resumed with safety; and on the measures necessary to effect that purpose." This initiative was taken by the banks of New York under a provision of the State law which required that they should resume specie payment within a year. A committee of correspondence headed by Albert Gallatin soon secured general concurrence in the invitation, with one important exception. The banks of Philadelphia headed by the United States Bank of Pennsylvania declined to enter into a movement the effect

of which was declared by President Biddle to be the relief of the general government from the embarrassments which followed upon the policy of Jackson in destroying the existing banking system. Back of the refusal of Biddle to enter a conference whose purpose was not to institute a resumption of specie payment but to agree upon a time when that resumption might wisely be inaugurated, was his hope that the administration might find itself in an inextricable mesh which would require a change of parties to restore financial stability to the government and to the country. He hoped that the by-elections of the fall of 1837 would result in a Whig majority in Congress through which the national bank might secure reëstablishment.

Although the meeting was blocked by the position of Biddle, the resumption of specie payment took place in New York, May 10, 1838, and this action was followed by the banks of the country generally with the exception of the United States Bank of Pennsylvania. That institution, as we have intimated, preferred to take chances upon future developments. Its attitude is characterized in an article in the *North American Review* of January, 1844, as follows: "The country was then (end of 1837) in a condition to resume the payment of specie through its banks. But the United States Bank of Pennsylvania and some other great institutions were not ready. During the years of high prices, they had lent their capital on paper which rested only on the exaggerated and unreal values of that period, and an immediate return to specie payments would have shown that their capital had been very seriously impaired. The United States Bank of Pennsylvania, therefore, at first opposed the resumption of specie payments, and subsequently, when compelled to come into the arrangement, it seems to have adopted the bold measure of attempting to bring back the unnatural state of things which had existed before May, 1837; hoping that, by means of high prices and unlimited credit, it might be able gradually to withdraw itself from its dangerous position. It entered largely into the purchase

of State stocks, speculations in cotton, and other transactions. It was impossible, in the nature of things, that this scheme should succeed, but it had some effect. Many began to think that the reverses of 1837 were small affairs, and that they were already overcome. . . . Our foreign commercial debt had been paid with so much promptness that European capitalists formed a very high opinion both of our resources and our honor, and they took the stocks of States as freely as if they had been gold or silver."

As early as the fall of 1837, it was becoming evident that nature was operating for the relief of the country. This fact was recognized by John Y. Mason, of Virginia, in the House of Representatives, October 11, 1837: "Sir, the country is recovering fast from the violent and sudden convulsion into which it has been lately thrown. It cannot otherwise be, when we consider the immense resources of this vast continent, wielded, as they are, by a people whose industry and enterprise acknowledge no other limit than the very bonds of the earth." The revival of trade brought with it a return of confidence in the Democratic party, evidenced by the fall elections of 1838. In several States in which the party had either completely lost its hold or in which it had experienced long-continued minorities, the Democrats were successful and States which normally were Democratic showed large majorities. It was even predicted that the Whigs were on the brink of dissolution. The *Democratic Review* had this to say of the elections of 1838: "In New Jersey, the Whig majority of 1837 was changed into a Democratic majority; in Pennsylvania, the Democrats, after a severe contest, carried off the victory from the ruling party with about ten thousand votes; Maryland, which had a Federalist governor 'from time immemorial,' elected a man who had distinguished himself in the State legislature as an advocate of the independent treasuryship; Delaware, which had been hitherto decidedly Federalist, sent a Democrat to the House of Representatives; in South Carolina there is scarcely any opposition; in Georgia the parties

wrangle over local questions, but in general favor the independent treasuryship; in Illinois and Michigan the Democrats are making progress; in Missouri and Arkansas their majority is greatly increased; Ohio, where Van Buren was defeated in the presidential election, voted Democratic with a majority of about six thousand."

The campaign had been full of vituperation; fraud was charged on both sides. Especially was this the case in Pennsylvania. The winning of New York by the Whigs carried to the governorship William H. Seward, with a majority of over ten thousand. He was a man only thirty-seven years of age, and his success in wresting the Empire State from the Democrats marked a new era in national politics. The president's policy of a sub-treasury was rejected where its failure to receive support was most keenly felt. The Whigs had drawn to their support many conservative Democrats. But aside from financial matters there were other considerations that strengthened the new national party. Jackson's policy of caring for his followers and resenting inquiry into the administration of public office had encouraged, as it gave opportunity to, the perpetration of fraud. Revelations of corruption came to light to the disadvantage of Van Buren. It was found that "land officers, postmasters, public prosecutors, had been gambling and speculating with the moneys in their charge and keeping loose accounts, nor had their official bonds been well looked after." S. B. Swartwout, the collector of the port of New York, whose appointment to that important office had been regarded as a public scandal because of his notorious unfitness for the place, was found to be a defaulter to the extent of over a million dollars. Such disclosures had considerable effect on the elections, and added to this was the influence exerted by the various abolition societies.

Two subjects which came by inheritance from Jackson's administration and which were grievous burdens upon the shoulders of Van Buren during the period of the Twenty-sixth Congress, which convened December 2, 1839, were

the pending controversy with Great Britain with regard to the northeast boundary and the Texan question. During 1837, the situation upon the Canadian border was becoming critical. Maine, throughout its whole history the buffer territory of the Union, had passed forbearance in the controversy which subjected her to constant indignities at the hands of British subjects. The condition was becoming ominous, and the disaffection among a portion of the Canadian inhabitants developed an insurrection in November, 1837, which was speedily suppressed. In 1838, disturbances in Upper Canada were frequent, and American citizens across the border, hopeful of having Canada annexed to the United States, sought to foment the spirit of civil strife. Such was the situation when on November 21, 1838, President Van Buren issued a proclamation warning American citizens to observe the strictest neutrality. The defeat of a body of insurgents near Ogdensburg, New York, followed shortly upon the president's proclamation, but the danger zone was next transferred to territory claimed by Maine. A band of lawless men from the British provinces invaded this territory and cut a considerable quantity of timber. Empowered by the legislature to check the encroachment, the Governor of Maine despatched an agent to the scene, who was made prisoner by the trespassers and carried to Frederickton. An acrimonious correspondence between the authorities of Maine and New Brunswick ensued in which both sides enlarged upon their claims. On March 3, 1839, Congress authorized the president to take such action as he considered the situation demanded, whereupon Van Buren despatched General Winfield Scott to the scene of disorder. General Scott effected an agreement with General Harvey, the lieutenant-governor of New Brunswick, by which the disputed territory should remain in its former occupancy for the time being. This arrangement, which was satisfactory to Governor Fairfield, of Maine, relieved the situation and brought the question wholly into the hands of the Federal government and Great Britain. Turbulent spirits, however,

could not be entirely quelled by a pacific understanding between the governments, so that border disorders with unimportant bearing continued. From 1838 to 1840 negotiations with regard to the disputed territory were carried on with the result that the agitation for the annexation of the British provinces was allayed and a state of good feeling made to supersede the animosities.

Another subject continued to harass the administration and give anxiety to the nation. This was the war with the Seminoles of Florida, which was a development of the relations of the country with the Florida Indians during a series of years. It was the ineffectual protest on the part of the red men to the policy of the government to remove them to distant reservations. The war, which began, under Osceola, in 1835, continued for seven years, and was savage and expensive, costing above twenty millions of dollars. The history of Seminole relations can be briefly sketched. The treaty for the transfer of the Indians to the distant West was signed in 1832, but its operation was frustrated until 1834; then at the earnest solicitation of the chiefs it was postponed until 1836, when it was solemnly renewed, only to be broken by the Indians, who at this time instituted a widespread massacre. This was the war which was bequeathed by Jackson to Van Buren. Van Buren sent General T. S. Jesup to Florida. He conquered the Seminoles and dispersed them in small bands into the impenetrable swamps. Not alone the cost of the war with the Indians, but criticism based on sentimental reasons was hurled at the president, as there was throughout the North a prevalent sentiment for the red man. Nevertheless, Van Buren pursued his policy; but the prolonged struggle was only to end with the complete subjugation of the Seminoles.

In his message to the Twenty-sixth Congress in December, 1839, President Van Buren again advanced his independent treasury plan. The approaching national campaign made it important for the administration to seek to obtain the favorable verdict of Congress upon this measure. In

October, 1839, the curtailed National Bank had again suspended payment and had caused the failure of a host of lesser banks. Its drafts were dishonored abroad, and it was entangled in operations at home which created scandal. The specie payment banks of the North and New York State were for the most part in sound condition. Such were the conditions under which Silas Wright again brought forward a treasury bill having a specie clause added, requiring that all dealings with the government should be in gold and silver. Once more the bill passed the Senate, January 23, 1840, and finally received the ratification of the House on the last day of June. Thus was consummated the most important measure of the Van Buren administration. The divorce of the banks and the State was effected. To avoid reviving the discussion in its earlier forms, the bill was introduced under the innocent wording "to provide for the collection, safe-keeping, transfer, and disbursement of the public revenue." In addition to the treasury department in the national capital, treasury vaults were to be supplied at the mint or custom houses of New York, Philadelphia, Washington, Charleston, New Orleans, and St. Louis. These cities were to be the centres of deposit. Four receivers-general and two keepers of mints, with the treasurer of the United States, constituted the public custodians. The enactment was given dramatic effect by the president setting the seal of his approval upon it on July 4th, while the Van Buren Democrats caused bells to be rung and cannons fired as if a crisis of the republic had been passed. But the institution of the new financial scheme was too close to the fall elections to be advantageous to Van Buren's prospects. It rather had the effect of diverting votes.

During 1839, the business of the country had disappointed expectations, and a general spirit of despondency prevailed. Stocks were dull, capital had become wary, and cotton and other staples had suffered a sharp decline. As in many instances the States had been induced to adopt the speculative enterprises of a public character within their borders,

the commonwealths found themselves under the incubus of enormous debts. The banking conditions were in a most unsatisfactory state, and mutual jealousies and suspicion between financial institutions prevented that hearty coöperation which would have aided in bringing about greater business confidence and financial security. The prostration of the currency of the country, the burdens of debt that rested upon the States, and the poverty of the people, with factories shut down on every hand, did not incite the public to further confidence in the party in power. As a statement of the conditions prevailing and the character of the appeal which the Whigs were making for the suffrages of the people, may be quoted a speech of Henry Clay at the moment when the treasury bill was sure of passage by the Senate. It was in part as follows:

"Mr. President, it is no less the duty of the statesman than the physician to ascertain the exact state of the body to which he is to minister before he venture to prescribe any healing remedy. It is with no pleasure, but with profound regret, that I survey the present condition of our country. I have rarely, I think never, known a period of such universal and intense distress. The general government is in debt, and its existing revenue is inadequate to meet its ordinary expenditure. The States are in debt, some of them largely in debt, insomuch that they have been compelled to resort to the ruinous expedient of contracting new loans to meet the interest upon prior loans; and the people are surrounded with difficulties, greatly embarrassed, and involved in debt. Whilst this is, unfortunately, the general state of the country, the means of extinguishing this vast mass of debt are in constant diminution. Property is falling in value—all the great staples of the country are declining in price, and destined, I fear, to further decline. The certain tendency of this very measure is to reduce prices. The banks are rapidly decreasing the amount of their circulation. About one-half of them, extending from New Jersey to the extreme Southwest, have suspended specie

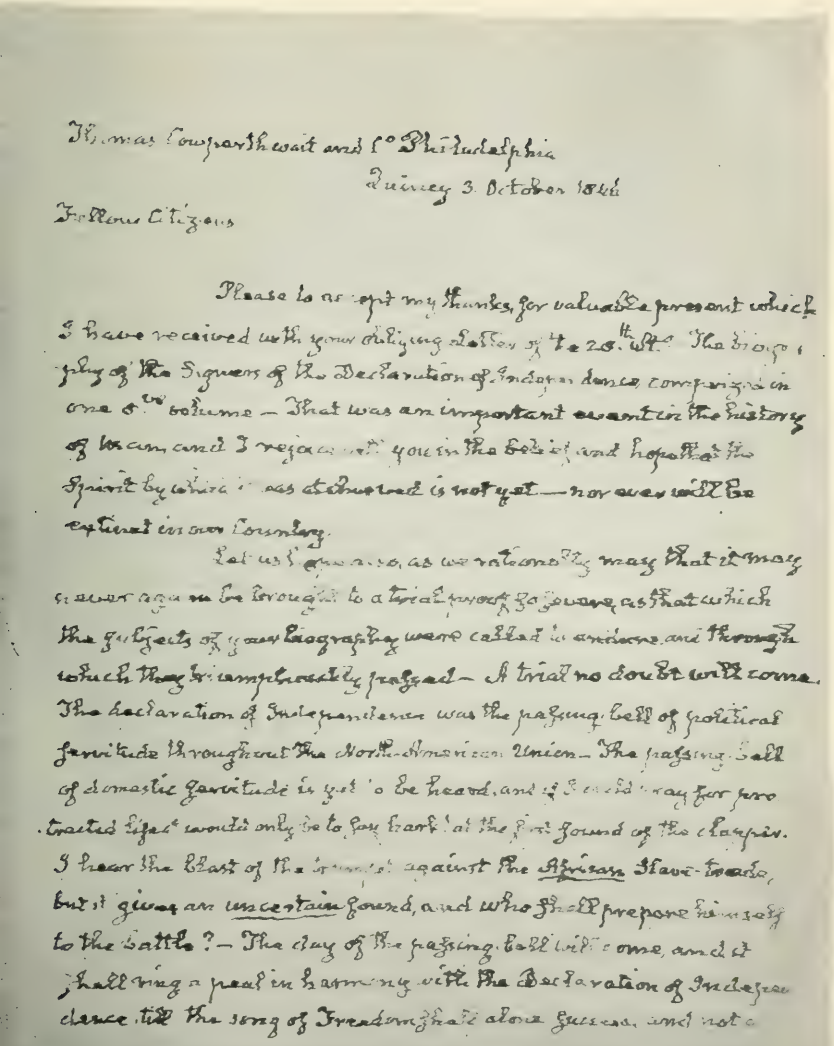
payment, presenting an image of a paralytic, one moiety of whose body is stricken with palsy. The banks are without a head; and, instead of union, concert, and coöperation between them, we behold jealousy, distrust, and enmity. We have no currency whatever possessing uniform value throughout the whole country. That which we have, consisting almost entirely of the issues of banks, is in a state of the utmost disorder, insomuch that it varies, in comparison with the specie standard, from par to fifty per cent discount. Exchanges, too, are in the greatest possible confusion, not merely between distant parts of the Union, but between cities and places in the same neighborhood. That between our great commercial marts of New York and Philadelphia, within five or six hours of each other, vacillating between seven and ten per cent. The products of our agricultural industry are unable to find their way to market from the want of means in the hands of traders to purchase them, or from the want of confidence in the stability of things. Many of our manufactories stopped or stopping, especially in the important branch of woollens; and a vast accumulation of their fabrics on hand, owing to the destruction of confidence and the wretched state of exchange between different sections of the Union. Such is the unexaggerated picture of our present condition. . . . If the present unhappy state of our country had been brought upon the people by their folly and extravagance, it ought to be borne with fortitude, without complaint, without reproach. But it is my deliberate judgment that it has not been—that the people are not to blame—and that the principal causes of existing embarrassments are not to be traced to them."

Intense bitterness was aroused by the disputed Congressional election of New Jersey. In that State the general ticket system was in vogue, instead of voting by districts for representatives to Congress. Six persons in this manner had been chosen, only one of whom, Randolph, a Whig, had his election unchallenged. But the governor issued certificates

to all six of the Whig candidates. Whereupon the Democrats of the State claimed that five of the candidates of their party had been elected and made their appeal to the election returns. The Whigs declared these had been tampered with. The contest had national bearing by reason of the fact that if the Whigs preserved the five contested votes they would be able to organize the House against the administration. Hugh A. Garland, of Virginia, who had been clerk of the previous House, was a candidate for reëlection. Upon him devolved the duty of calling the roll to the newly assembled House. In its performance, when he came to New Jersey he read the name of Randolph and informed the House that there were five other seats due to that State which were contested and that he would pass over the names until the House should be organized, that it might decide the point in question. Immediately, a bitter debate was precipitated. The clerk refused to consider any question until the House was organized, even a motion to adjourn. The following day opportunities for reflection had not cooled the temper of the members of the House. The third day was similarly wasted in efforts to adjust the New Jersey difficulty, and still Garland remained steadfast in his position that he would consider no proposition excepting the organization of the House with the omission of the names of the five contested members. On December 5th, the issue was forced by the man who had the best right to be declarative upon a parliamentary question—John Quincy Adams. He reviewed the clerk's action and spoke strongly upon the predicament in which the House was placed, and then declared: "We have solemn duties, too, and the first duty is to organize. It is in the power of this House to set the clerk aside; thank God, it is not in its power to obey his despotic dictates! If we cannot organize in any other way,—if this clerk will not consent to our discharging the trusts confided to us by our constituents,—then let us imitate the example of the Virginia House of Burgesses when the colonial governor ordered it to disperse,

and like men. . . ." Adams at this point was stopped by a spontaneous cheer which showed that both the House and the galleries had caught the pregnant course of his unfinished utterance. Adams offered a resolution calling upon the clerk to read the names of the members from New Jersey who bore the credentials given them by the governor of that State. Immediately there was heard from all directions the query: "Who will put the question?" Adams's voice rang its answer above the tumult: "I intend to put the question myself." In vain Garland feebly protested against this revolutionary proceeding. It was necessary that someone should take the chair, and, in obedience to the general acclaim, Adams presided over the meeting. The House decided that the New Jersey contest should remain undecided until a Speaker had been chosen, and after a long struggle Robert M. T. Hunter, of Virginia, was chosen through a combination of Whigs and opposing Democrats. The organization of the House was effected on December 16th, after fourteen days of heated debate. The question of the contested New Jersey delegation, however, was not settled until nearly a hundred days later, on March 10th, by the seating of the five contesting Democrats.

The Whigs were now prepared for the campaign. "Defalcation" was the word which was counted upon to influence most the popular mind. "Spoils of office" was another indictment of the administration; the perversion of Federal patronage to party use was held up as a cardinal tenet of Van Buren's political principles throughout his entire public career. The waste of public funds and official profligacy furnished still another text for the orators of the opposition. Van Buren's personal mode of life was duly exploited: he was represented as subverting the very letter as well as the spirit of Democratic principles by elegance of surroundings which were vastly exaggerated in the painting. The cause of this accusation was the fact that Van Buren, although a man of pecuniary integrity, always saw to it that his official entertainments were paid for by the public.



Thomas Longstreth Esqr and Co Philadelphia

Quincy 3 October 1846

Fellow Citizens

Please to accept my thanks for valuable present which I have received with your obliging letter of the 26th ult. The biography of the Signers of the Declaration of Independence comprised in one 8vo volume — What was an important event in the history of Man and I rejoice with you in the belief and hope that the Spirit by which it was actuated is not yet — nor ever will be extinct in our Country.

Let us [illegible] as we rationally may that it may never again be brought to a trial worthy to be compared as that which the subjects of your biography were called to undergo and through which they triumphantly prayed — A trial no doubt will come. The declaration of Independence was the passing bell of political servitude throughout the North American Union — The passing bell of domestic servitude is yet to be heard, and if I could pray for zero tortured Eyes would only be to pray that at the first sound of the clappers I hear the blast of the trumpet against the African Slave-trade, but it gives an uncertain sound, and who shall prepare himself to the battle? — The day of the passing bell will come, and it shall ring a peal in harmony with the Declaration of Independence till the song of Freedom shall alone succeed, and not a

Letter from John Quincy Adams, dated October 3, 1846, predicting freedom of the slaves. *From the original in possession of the Historical Society of Pennsylvania.*

Shall be left to groan on the face of the globe

"Swift fly the years and rise the expected morn!"

Meanwhile, I remain with respect and regard Thomas

your friend and fellow citizen

John Quincy Adams

The Whig national convention met at Harrisburg, December 4, 1839, and nominated for the presidency General William Henry Harrison, with John Tyler for the vice-presidency. Both Clay and Webster felt that this decision showed no appreciation of their claims to that honor. Webster was strong in New England, but his following elsewhere in the country was small. Realizing that his hopes for nomination were slight, he went to London and announced himself as not being a candidate. Clay had held a position of leadership, which gave him rightful consideration for the office, but his active participation in the discussions of administrative measures in Congress had alienated from him some of his party. The fact of his being a Freemason also militated against him in the convention. He was besides a conspicuous advocate of a protective tariff, so unpopular in the South Atlantic States. But Clay was not a man to forswear his party for personal disappointment, and accepted its adverse decision. When the autumn elections of 1839 indicated a slight reaction in favor of the Democrats, necessitating a united opposition if the Whigs hoped to succeed, Clay wrote a letter in which he said: "If the deliberations of the convention shall lead them to the choice of another as the candidate of the opposition, far from feeling any discontent, the nomination will have my best wishes and receive my cordial support." In the same spirit he asked his friends to "discard all attachment or partiality to me, and be guided solely by the motive of rescuing our country from the dangers which now encompass it."

But in truth the party of Clay was more of a coalition than a party and had been made such by Clay. It had no definite set of principles or aims to advance. Its policy was criticism of the administration. General Harrison, the successful nominee, represented no personal views that would have unfitted him to stand as the Democratic nominee instead of the Whig. He was a States Rights' man and believed in a moderate tariff. His views upon the United States Bank were that there was no express

authority in the Constitution for the charter of the national bank, and that Congress was only justified in resorting to such an expedient under the condition that the powers granted to it could not be otherwise carried out. His attitude on the slavery question had been that of concurring in what the slaveholding interest asked. The elegant tastes of Van Buren were in strong contrast to the homespun simplicity of Harrison. These personal aspects were seized upon as the campaign material for a political contest unrivalled in the history of the country for its wild enthusiasm and personal vituperation. The slogan of the Whigs was "Tippecanoe and Tyler too." Log cabins and hard cider figured in every political meeting. The rugged virtues of Harrison were lauded. Monster mass meetings were the order of the day and brass bands and processions kept the country in a state of ferment; but there was no depth to the demonstration. The people attended the picnics and barbecues to be amused rather than to have their political opinions fixed. Clay was faithful to his promise and supported the candidates in a vigorous manner. The Whigs numbered among their supporters Webster, Corwin, Ewing, Choate, Wise, Reverdy Johnson, Everett, and Prentiss.

The platform of the campaign was given by Clay in an address at Taylorsville in which he declared for a limitation of executive power, the noneligibility of the president for a second term in office, the more precise definition of the veto power and its limitation by a simple majority of the Senate and House of Representatives, the restriction of the president's power of dismissal from office, the control of the treasury exclusively by Congress, and the prohibition of the appointment of members of Congress, with certain exceptions, to any office during their term of service and one year thereafter. As to the stability of the currency, Clay demanded that the methods to secure this should be left to enlightened public opinion. He advocated protection of manufactures, but was content with the tariff of 1833. He wanted the public lands to produce revenue,

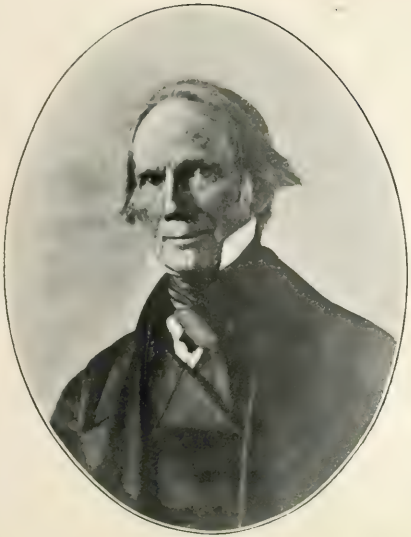
and the building of roads and canals to be left to the States, these to receive from the general government for internal improvements no larger sum than the fourth installment of the treasury surplus, and their share of the returns from the sale of public lands. Upon the matter of slaveholding he confined himself to the general statement that slave property "should be left where the Constitution had placed it, undisturbed and unagitated by Congress."

The tremendous enthusiasm of the Whigs in the campaign of 1840 reached the point of hysteria, as is evidenced by the following quotation from the Baltimore *Patriot*, describing the great procession held in connection with the National Convention of Young Whigs. This presents a picture which was repeated throughout the country: "Monday was a proud day for Baltimore, for Maryland, for the Union. It was a day on which the Young Whigs of all the States were to meet in grand convention. Never before was seen such an assemblage of the people in whose persons are concentrated the sovereignty of the government. In the language of the president of the day, 'Every mountain sent its rill, Every Valley, Its Stream,—and Lo! *The avalanche of the people is here!*' It is impossible to convey the slightest idea of the sublime spectacle presented by the procession as it moved through the city. All that pen could write, all that the mouth of man could speak, all that the imagination can conceive of beauty, grandeur, and sublimity, would fall short—far short of the reality. The excitement, the joy, the enthusiasm which everywhere prevailed, lighting up the countenance of every man in the procession; the shouts, the applause, the cheers, of those who filled the sidewalks and crowded the windows; waving of handkerchiefs by the ladies; the responsive cries of the people; the flaunting banners; the martial music; the loud roar, at intervals, of the deep-mouthed cannon,—all these and more, much more, must be described, seen in the mind's eye, vibrate through the frame, fill the heart, before the reader can approach to any conception of the reality;

and when all these are done, if they were possible, he has still but a faint and meagre impression of the scene that was presented. . . . A thousand banners, burnished by the sun, floating in the breeze, ten thousand handkerchiefs waved by the fair daughters of the city, gave seeming life and motion to the very air. A hundred thousand faces were before you,—age, manhood, youth, and beauty filled every place where a foothold could be got, or any portion of the procession be seen; and you gazed on the pageant with renewed and increasing delight, and words failed to express what your heart felt or your eyes beheld. Nothing was wanting, nothing left to be desired,—the cup of human joy was full. The free men of the land were there,—the fiery son of the South, the substantial citizen of the East, the hardy pioneer of the West, were all there. It was the epitome of a great nation, in itself realizing, filling up the imaginings, and may have been the very picture which the poet drew when he described our country, our institutions, and our people as a 'land beyond the oceans of the West,' where 'freedom and truth are worshipped,' by a 'people mighty in their youth.'"

The National Democratic Convention met in Baltimore on May 5, 1840, with a platform which favored States Rights, the divorce of the government from the bank, and opposed the assumption of State debts. It was important that Van Buren should have as general enthusiasm manifested by the Democrats as the Whigs had accorded to Harrison, therefore concord and unity were the keynotes of the convention. The renomination of Van Buren was unanimous, but the vice-presidential nomination after wavering between Polk and Forsyth, was finally given to Richard M. Johnson, of Kentucky. The Democrats were swept aside, however, by the popular force of Harrison, who received two hundred and thirty electoral votes to Van Buren's sixty. The Whigs carried nineteen States and the Democrats but seven; Harrison's majority of the popular vote being one hundred and fifty thousand. Such was the answer given by the

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Henry Clay.



John Caldwell Calhoun.

From early photographs.



Daniel Webster.

people to Jackson's insistence upon executive control of the government.

On December 9th, Congress received Van Buren's final message. In it he discussed in a positive and serious tone the state of the country. He declared himself to be inimical to a national debt and also pronounced against a national bank. He reversed his position upon the slavery question and made amends for his concessions to the Southern position by an appeal for the absolute suppression of the African slave trade. The subject of State debts also came under consideration in this paper. "Already," said Van Buren, "have the resources of many of the States and the future industry of their citizens been indefinitely mortgaged to the subjects of European governments, to the amount of twelve million dollars annually, to pay the constantly accruing interest of borrowed money—a sum exceeding half of the ordinary revenues of the whole United States." He then recommended a policy of financial retrenchment and defended the course of his administration in seeking to reduce the national debt and avoiding occasion for the contracting of fresh obligations.

This short session of Congress was unfruitful. Interest was now centred in Harrison, after whose inauguration, Van Buren passed into a retirement from which he believed he would be recalled by the people to again become their standard bearer.

CHAPTER II

THE GROWTH OF ANTI-SLAVERY SENTIMENT

So long as slavery was but a domestic institution of the country it received the attention and caused the varying shades of opinion as to its merits and defects evoked by any other of the intimate facts of the life of the American people. But when it was brought into the halls of Congress it became a political force. And then, having served its purpose in influencing party measures, it was found that slavery could not be relegated to its former status as one of the domestic institutions of the country. In fact, it is impossible to follow the history of slavery sentiment without realizing the inevitableness of its assuming a national character. The story of the growth of the sentiment cannot concern us any further than it affords the immediate connection with the state of feeling upon the subject during the period we are to consider. There are just two facts which may be regarded as determining the whole direction of the slavery question from 1837 to the outbreak of the Civil War. One of these events was the servile uprising in Virginia in 1831.

Nat Turner was a negro slave, thirty-one years of age, who had been brought up in the superstitions of his race. Turner imagined that he had a revelation of the will of God, and that he was designated as the instrument of the Divine anger, which had been aroused by the condition of the negro. He thus described his experience: "On the 12th of May, 1828, I heard a loud voice in the heavens,

and the spirit instantly appeared to me and said: 'The serpent was loosened, and Christ had laid down the yoke he had borne for the sins of men, and that I should take it on and fight against the serpent, for the time was fast approaching when the first should be last and the last should be first, and by signs in the heavens that it would make known to me when I should commence the great work, and until the first sign should appear I should conceal it from the knowledge of men.'" The sign which was to be the signal for him to institute his uprising was an eclipse of the sun in February, 1831. On that date he communicated his plan to his associates, but the uprising was deferred from time to time, until he declared the vision appeared again, when he felt that the undertaking could no longer be delayed. On the night of August 21, 1831, the negroes began the massacre with the slaying of Turner's master, Mr. Joseph Travis, and his family. Turner and his associates determined to spare neither age nor sex, and, proceeding from house to house, carried on their work of slaughter. But the whole country was aroused, and an armed force was soon in pursuit of Turner and his deluded associates, who now numbered more than fifty. These deserted their leader when attacked. Turner managed to keep in concealment for several weeks, but was discovered, brought to trial, and executed in November of the same year. In this insurrection sixty-one white persons, mostly women and children, lost their lives. Excitement in the South was intense, and many in that section were prepared to endorse the sentiment of the Richmond *Whig*, which declared that the execution of the total slave population would be the penalty following another such uprising. Niles's *Register* expressed the same view: "The idea prevails that because of the terrible event in Southampton, the white population, in cases of like outrages in future, will retaliate by an indiscriminate slaughter of the blacks—and such, we think, will probably take place!"

The Virginia legislature met in December, 1831, following upon the execution of Turner. In his message, Governor

Floyd reviewed the circumstances of the Southampton massacre and recommended that, as there were indications of a very widely extended plot among the negroes of the State to put to death their masters, the negro preachers, who were held chargeable for the unrest among the race, should be "silenced," and also urged that the law should be revised so as to keep the slave population "in due subordination," adding that he was of the opinion that it was absolutely necessary to clear the State of all free negroes. The governor's message awakened a discussion which centred upon the Virginia Assembly the attention of the whole country. One member of the legislature declared that the free negro population was a nuisance, but, after asserting that he was not an abolition fanatic, added the significant words: "There is another and greater nuisance —slavery itself." This sentiment was echoed by other speakers. Some, however, were inclined to regard slavery as an institution for which they were not responsible and the perpetuation of which the needs of certain States demanded. The sinfulness of slavery and its economic relations were debated. One member, referring to the practical freedom of western Virginia from slavery, said that it had been beating for centuries against the mountains, but as yet had "only cast a little spray beyond. The foot of the negro delights not in the dew of the mountain grass. He is the child of the sandy desert. The burning sun gives him life and vigor, and his step is most joyous on the arid plains." James McDowell, who was afterward governor of the State and a representative in Congress, made the most eloquent and telling speech of the debate. He asked: "Was that a 'petty affair' which erected a peaceful and confiding portion of the State into a military camp; which outlawed from pity the unfortunate beings whose brothers had offended; which barred every door, penetrated every bosom with fear and suspicion; which so banished every sense of security from every man's dwelling, that, let but a hoof or horn break upon the silence of the night, and an

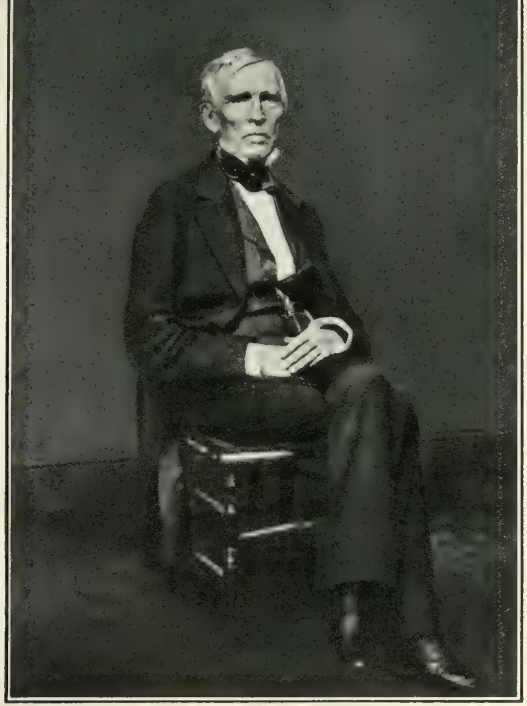
aching throb would be driven to the heart? The husband would look to his weapon, and the mother would shudder, and weep upon her cradle. Was it the fear of Nat Turner and his deluded, drunken handful of followers which produced such efforts? Was it this that induced distant counties, where the very name of Southampton was strange, to arm and equip for a struggle? No, sir; it was the suspicion eternally attached to the slave himself, a suspicion that a Nat Turner might be in every family, that the same bloody deed might be acted over at any time and in any place, that the materials for it were spread through the land, and were always ready for a like explosion." While this discussion was proceeding in the State legislature, the insurrection was being discussed in anger and fear by the people at large. These were more concerned about the jeopardy of their lives, which the insurrection had disclosed, than they were with the institution of slavery itself. The sentiment of a member of the legislature, "life becomes a burden if men are forced to lock their doors at night, and open them in the morning to receive their servants to light their fires, with pistols in their hands," best expressed the sentiment of the people at large. The feeling of insecurity was reflected in the message of Governor Hayne to the legislature of South Carolina in 1833: "A state of military preparation must always be with us a state of perfect domestic security. A profound peace and consequent apathy may expose us to the danger of domestic insurrection." The activity of the abolitionists of the country in diffusing anti-slavery literature among the negroes was held by the Southern people to be the responsible cause of the Nat Turner insurrection.

The other event which gave direction to the course of slave sentiment represents another side of the question. That event marked the period of the nationalizing of anti-slavery sentiment. It was the meeting in Philadelphia, on December 4, 1832, of a National Anti-slavery Convention. This body organized and drew up and passed a declaration of principles. The inspiration of the convention was a call

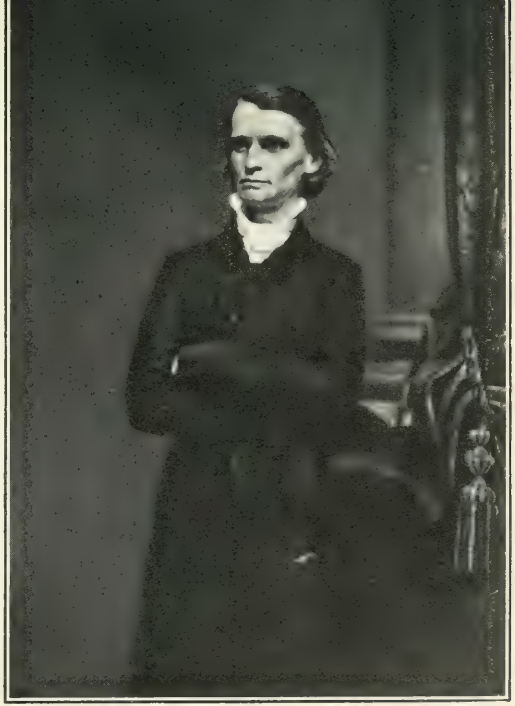
sent out by the New England Anti-Slavery Society. In it, and participating in its discussions, were such prominent opponents of slavery as William Lloyd Garrison, S. J. May, John G. Whittier, Lewis Tappan, and Beriah Green—the last being elected the presiding officer. Its work was comprehended within three days and its most definite accomplishment was the drawing up of a set of principles. These called for the organization of subsidiary societies throughout the land, the employment of agents for the propagation of anti-slavery sentiment, the extensive dissemination of suitable literature, the enlisting of the pulpit and the press. Other aims stated were the purification of the churches from "the guilt of slavery," the encouragement of the labor of freedmen, and an effort to bring the nation to abjure slavery. The declaration stigmatized expatriation, the object of the American Colonization Society, as "delusive, cruel, and dangerous." The abolitionists took the ground that to emancipate slaves by compensating their owners was to surrender a fundamental principle, "because," said they, "slavery is a crime, and is, therefore, not an article to be sold." After the adjournment of the convention, anti-slavery activity was pushed with great energy and abolition societies multiplied throughout the country. These did not, however, represent a compact organization, as the various phases of sentiment upon the subject and the personal feelings of the leaders in the movement tended to keep the societies in a state of disagreement. Yet the national organization, representing the broad relations of anti-slavery sentiment, was largely responsible for the subject of slavery being forced upon the attention of Congress, despite the Missouri Compromise, and for destroying the sense of security which that instrument had brought to the country.

The popular manifestations in the free States had had the effect of turning the attention of the people of the South from the discussion of the immediate dangers of slave insurrection and riveting their regard upon the ultimate disaster of slave emancipation. The one idea of the South now

became "security" for slavery. The question of free speech became involved with the discussion of slavery. The demand of the Southern leaders was for the suppression of all discussion of the slavery question. They desired Congress to deny the right of petition and requested the Northern States to suppress anti-slavery societies and to constitute the printing of papers, pamphlets, or books upon the subject of slavery and the circulation of such literature a penal offence. When, in August, 1835, the postmaster of Charleston, South Carolina, refused to deliver anti-slavery publications coming through the mails, the postmaster-general, Amos Kendall, approved his action in a letter in which he said: "We owe an obligation to the laws, but a higher one to the communities in which we live; and if the former be perverted to destroy the latter, it is patriotism to disregard them." The question reached the national legislature through the medium of Jackson's message of 1835, in which he recommended the passage of a law imposing severe penalties upon the circulation in the South of literature whose purpose was to instigate the slaves to insurrection. The agitation for the passage of such a measure was persistently kept up. The advanced position of the more radical of the Southern element is referred to in the following comment from the New York *Evening Post*, a Democratic paper: "The threat is held up to us that unless we speedily pass laws to prohibit all expression of opinion on the dreadful topic of slavery, the Southern States will meet in convention, separate themselves from the North, and establish a separate empire for themselves. The next claim we shall hear from the arrogant South will be a call upon us to pass edicts forbidding men to think on the subject of slavery, on the ground that even meditation on that topic is interdicted by the spirit of the Federal compact. If the political union of these States is only to be preserved by yielding to the claims set up by the South; if the tie of confederation is of such a kind that the breath of free discussion will inevitably dissolve it; if we can hope to maintain our fraternal connection with our brothers of the South



John Jordan Crittenden.



Henry Alexander Wise.

From early photographs.

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only by dismissing all hope of ultimate freedom to the slave, let the compact be dissolved, rather than submit to such dishonorable, such inhuman terms for its preservation."

So virulent a propaganda as was now in progress could not but excite popular passion to the point of violence. Especially from the year 1832 there had been a series of riotous acts. Massachusetts, New York, Vermont, Pennsylvania were each the scene of turbulence from 1832 to 1836. These acts served to embitter the discussions in Congress. The action of that body in denying the right of petition and freedom of speech sent a wave of indignation throughout the free States. The anti-slavery men of Massachusetts were the first to give expression to the popular sentiment of the North. During the session of the State legislature in 1837, that body had presented to it a large number of petitions which called upon it speedily to protest in the name of the commonwealth against the rule adopted by Congress to lay on the table all memorials relating to slavery without reading or reference. These petitions to the State legislature were referred to a committee before which representatives of the petitioners appeared and urged their views. The speech of Mr. Henry B. Stanton before the committee well expresses the sentiments of the anti-slavery advocates toward the slaveowners' threat of disunion. Mr. Stanton said in part: "The slaveholder may intrench himself behind bristling bayonets, but the truth, armed with the omnipotence of its Author, breaks through the serried legions. At Mason and Dixon's line he may pile his prohibitory statutes to the clouds as his wall of defence; but truth, like light, is elastic and impressible, and, mounting upward, will overleap the summit and penetrate his concealment. Yes, sir, if the Union were rent into ten thousand fragments, yet, if on any fragment there was a slaveholder, anti-slavery agitation would search him out, and scatter upon his naked heart the living coals of truth. God has written the verity of our principles on the inside of every oppressor in the land. He can destroy the record only with his nature, and if the American slaveholder,

returning wearied with the destruction of anti-slavery pamphlets and press and society and man in the nation, should seek repose in his chamber, these words, written with the finger of God, would flame out from its walls in letters of blinding intensity: 'Woe unto him that buildeth his house by unrighteousness, and his chambers by wrong; that useth his neighbor's service without wages, and giveth him not for his work!'" The spirit of aggression upon the institution of slavery fervently expressed by Stanton did not contemplate the condition which was shortly to transpire, the activities of the anti-slavery adherents being wholly engaged in a desperate attempt to prevent the encroachment of the institution upon the North. The movement had not yet taken that territorial bearing which was destined to precipitate civil strife. The measure advocated by Stanton and his associates was adopted by the Massachusetts legislature. The resolution declared that "Congress having exclusive legislation in the District of Columbia, possessed the right to abolish slavery in said district, and that its exercise should only be restricted by a regard for the public good."

The legislature of Vermont in the same year took similar action and sent to each of the States copies of its resolutions to the effect that neither Congress nor the State governments were authorized to set limits to free discussions, nor to interfere with the transmission through the mails of expressions upon the subject of slavery, and that Congress had full authority to abolish slavery in the District of Columbia.

Slavery was the subject of discussion, not only among the people at large, and in State and national legislatures, but it had invaded the courts. In August, 1836, Chief Justice Shaw, of the Supreme Judicial Court of Massachusetts, delivered an opinion which confirmed the attitude of the anti-slavery advocates. A slave child had been brought from New Orleans to Boston, and the question of its status came before the Supreme Court for decision. The opinion of Chief Justice Shaw set forth that "an owner of a slave in

another State, where slavery is warranted by law, voluntarily bringing such slave into this State has no authority to retain him against his will, or to carry him out of the State against his consent, for the purpose of being held in slavery." On January 20, 1837, the State legislature passed a bill bearing upon the same subject. It provided that "if any person is imprisoned, restrained of his liberty, or held in duress, unless it be in the custody of some public officer of the law, by force of a lawful warrant or other process, civil or criminal, issued by a court of competent jurisdiction, he shall be entitled, as of right, to a writ of personal replevin."

In January, 1838, the Massachusetts legislature passed resolutions bearing upon the territorial phase of the slavery question. These resolutions pronounced against the admission of Texas, or of any more slave States; in favor of the abolition of slavery and the slave trade in the District of Columbia as well as of the prohibition of slavery in the Territories. Connecticut also passed resolutions opposing the annexation of Texas, favoring the abolition of the slave trade in the District of Columbia and supporting the right of petition. Vermont adopted resolutions similar in character, while the element in favor of these measures was steadily growing stronger in the legislatures of the other northern States.

Scenes of violence and riot had now become frequent. On November 7, 1837, the Rev. Elijah P. Lovejoy, an anti-slavery advocate, was murdered by a mob at Alton, Illinois, because of his anti-slavery pertinacity. He was the editor of a religious weekly journal, and had been warned repeatedly to discontinue the publication of incendiary articles, and upon refusal to do so his office had been entered and his plant destroyed. The murder of Lovejoy created a deep impression upon the free States, and the sentiments of reprisal to which it gave rise were not dissimilar to those occasioned in the South by the Turner massacres. The state of public opinion was now one of utter irresponsibility. Mutual criminations were the most conclusive

forms of argument employed. The anti-slavery advocates regarded themselves in the light of modern crusaders; while the Southerners considered them arrant fanatics bent upon needless and malicious destruction of a domestic institution, the nature of which they either did not understand, or wilfully misrepresented.

Upon the receipt in Boston of news of the Alton tragedy, William Ellery Channing and a number of other citizens organized a demonstration to be held in Faneuil Hall, but they were refused its use. That the "Cradle of Liberty" should be denied them for such a purpose—the denunciation of an act of violence against the freedom of speech and of the press—furnished the abolitionists with a new text for their oft-repeated declamations upon the nation's subserviency to the slave power. Channing bitterly denounced those responsible for the refusal of the use of the hall, exclaiming: "Has it come to this? Has Boston fallen so low. May not its citizens be trusted to come together to express the great principles of liberty for which their fathers died? Are our fellow-citizens to be murdered in the act of defending their property and of assuming the right of free discussion? And is it unsafe in this metropolis to express abhorrence of the deed? If such be our degradation, we ought to know the awful truth; and those among us who retain a portion of the spirit of our ancestors should set themselves to work to recover their degenerate posterity." A meeting was held in the Supreme Court Room to take appropriate action with regard to the reasons assigned by the mayor and aldermen for withholding Faneuil Hall, and a committee was appointed to renew the application for the use of the hall. This was successful in securing it.

On December 8th, a largely attended meeting was held, but the sentiments there expressed were not altogether on the side of the promoters of the meeting, nor was the audience of one spirit. The occasion is interesting and instructive as indicating the divided counsels which were





Caricature, "The Blessings of Liberty." *From the print in the Library of Congress.*

still to be found at the heart of the abolition movement. The attorney-general of the State, James T. Austin, expressed one view in a speech which, violent and abusive though it was, was loudly applauded by a large portion of the audience. After lauding the murderers of Lovejoy, he went on to say: "We have a menagerie here, with lions, tigers, a hyena and elephant, a jackass or two, and monkeys in plenty. Suppose, now, some new cosmopolite, some man of philanthropic feelings, not only towards man, but animals, who believes that all are entitled to freedom as an inalienable right, should engage in the humane task of giving freedom to these wild beasts of the forest, some of whom are nobler than their keepers; or, having discovered some new mode of reaching their understanding, should try to induce them to break their cages and be free. The people of Missouri had as much reason to be afraid of their slaves as we should have to be afraid of the wild beasts of the menagerie. They had the same dread of Lovejoy that we should have of the supposed instigator, if we really believed the bars would be broken and the caravan let loose to prowl about the streets." Wendell Phillips, a young lawyer, replied in a forceful speech, in spite of the violent interruptions of his opponents. In that turbulent meeting, Phillips, then a slender youth of graceful mien and patrician bearing received the baptism of hatred which caused him to devote himself to the work of abolition, and he went out from it to range himself beside Garrison and by every effort of tongue and pen to arouse the men of the free States, and to sting and burn the enemies of the movement. The keynote of his speech on that occasion became his declaration of principles thereafter: "When I heard the gentleman lay down principles which placed the rioters, incendiaries, and murderers of Alton side by side with Otis and Hancock, with Quincy and Adams, I thought those pictured lips" (and he pointed to the portraits on the walls) "would have broken into voice to rebuke the recreant American, the slanderer of the dead."

The increase of abolition agitation, the action of the State legislatures of the North, and the trend of the question of slavery in Congress all showed clearly to the South that the power which it was to oppose was rapidly becoming stronger. The crystallization of political opinion was rapidly taking place in the North and in the South. The strengthening of the demands of the declamatory abolitionists found its counterpart in a deepened determination on the part of the South to adhere to the institution attacked and to extend it sufficiently to maintain the balance of free and slave territory brought about by the Missouri Compromise and Southern leaders were determined that the slaveholding States should have a predominating place upon the map of the Union and thus be assured a controlling voice in the halls of the national legislature. By the date of the fifth annual meeting of the Massachusetts Anti-Slavery Society in January, 1837, the moral crusade of abolition had become avowedly political, and there were but few members of that society who still advocated the restriction of its efforts to ethical measures. As far back as Jackson's administration an element of discord had entered into the abolition ranks, and this spirit made itself apparent in the meeting of 1837. These dissensions centred about the questions of methods in the work of the abolitionists. There was a radical element which claimed that the society should stand for the immediate abolition of slavery, while the conservatives were disposed to work out the problem in a more deliberate and conciliatory spirit. Some of the members of the national society, and the State societies as well, expected the reform to be wrought out by moral means, while the great majority were convinced that nothing short of political organization could give the movement success. Some believed in invoking the aid of the churches, while others would have none of such assistance. Many left churches and political parties in order to associate themselves religiously and politically upon the ground of their "higher principles." In the annual report of the national society for the year 1838,

signed by the corresponding secretaries, James G. Birney, Elizur Wright, Jr., and Henry B. Stanton, a declaration was made that the abolition sentiments of candidates for public office should be considered above every other consideration by the voter. This was the first public recognition of the relation of the abolition movement to the ballot box, and in the autumn of 1838, it contributed largely to the election of William H. Seward as Governor of New York. There were many abolitionists, however, who deplored this action of the New York contingent. The Massachusetts Anti-Slavery Society took the ground that an anti-slavery organization lacked competency to scrutinize a man's political preferences and declared that "all that its society or its organs may rightfully do is to entreat its members to abide by its principles, whether in the church or out of it, at the polls or elsewhere; to vote for no man who is not in favor of immediate emancipation; to listen to no preacher who apologizes for slavery." The attitude of the western New York abolitionists in casting their votes for Seward was, however, in accord with a very general sentiment among the abolitionists throughout the country. It was seen by these that abolition was too intimately connected with the nation's life not to be related to that which was the arbiter of the nation's destiny—the franchise.

The division of the abolitionists into two parties took place during the second and third years of Van Buren's presidency, and was hastened by the injection of the question of woman's active participation in the proceedings of its conventions. The expenditure of energy and animosity by the two sections of the abolition party upon the subjects extraneous to the paramount matter of their programme tended to lessen their influence and to retard the progress of their cause.

The question of the participation of women had been brought up at a meeting of the New England Anti-Slavery Convention, in 1838, and led to the secession of a number of clergymen who believed in the Scriptural injunction

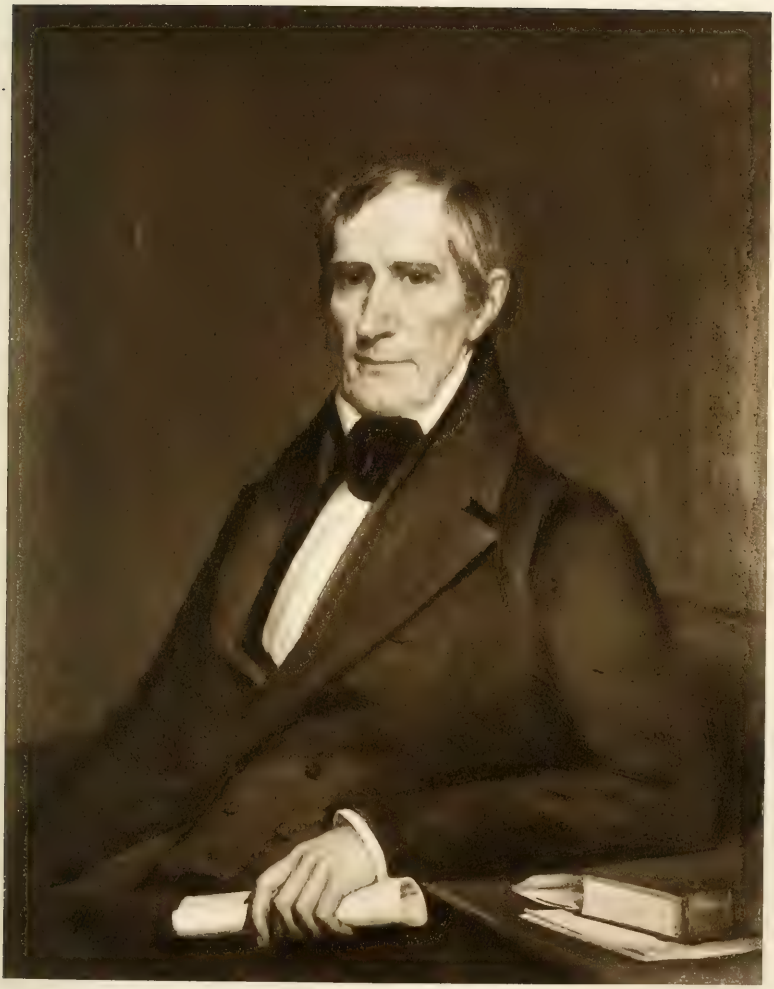
that women should remain silent in churches. At the May meeting of the American Anti-Slavery Society, in 1839, the question again entered into the national body with its divisive effect. In this controversy the clergymen were prominent. Up to that time many optimistic anti-slavery advocates believed that practically the whole Protestant ministry would come over to their camp. But this hope was without foundation. The ministry aside from their clerical functions were a part of the democratic mass of the country, sharing the diverse opinions, influenced by the different motives and guided by the same forces which moulded the opinions and controlled the sentiments of the laity. The organ of the American Anti-Slavery Society, *The Emancipator*, declared that many ministers with the full consciousness of the sin of slavery were becoming committed to that position. "They are settling down into a fixed hatred of the principles of liberty, and a fixed determination, at any hazard, to maintain the lawfulness of slavery, and the criminality of efforts for its removal. They are evincing a readiness to abandon any principle, to impugn any doctrine, to violate any obligation, to outrage any feeling, to sacrifice any interest, heretofore held dear or sacred, if it be found to afford countenance or strength to anti-slavery." The divergence of the sections had not yet sufficiently widened to fix irremovably the convictions of the churches on either side of the great chasm of slavery antipathies. So that, for the most part, the churches regarded slavery as an evil, but they did not feel bound to go beyond this declaration. They did not feel themselves responsible for the institution and absolved themselves from accountability for its continuance. Therefore the ministers were not inclined to employ the disciplinary measures of the church against slaveholders.

As indicative of a very general attitude of the ecclesiastical bodies may be cited the action of the General Conference of the Methodist Episcopal Church, in 1836, taken by a vote of one hundred and twenty to fourteen that it did

WILLIAM HENRY HARRISON

After the painting by Hoyt, in possession of the Massachusetts Historical Society.

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"wholly disclaim any right, wish, or intention to interfere with the civil and political relation of master and slave, as it exists in the slaveholding States of the Union." An address sent out to the pastors of the churches assigned as a reason for this action the following consideration: "The question of slavery in the United States, by the constitutional compact which binds us together as a nation, is left to be regulated by the State legislatures themselves, and thereby is put beyond the control of the general government as well as of all ecclesiastical bodies; it being manifest that in the slaveholding States themselves the entire responsibility of its existence or non-existence rests with those State legislatures." The most important question before the churches was the preservation of the peace of their fellowship. The denominations realized full well that to introduce slavery agitation would be to disrupt their organizations. As the churches shrank from taking up the cudgel against slavery so likewise did the Northern States hesitate to precipitate the conflict which seemed inevitable upon pushing the dispute to its conclusion. But they advanced very much more rapidly than the churches, for their own security was endangered.

With the slavery question under constant discussion, there was no avoiding the issues which were involved in it. The Missouri Compromise, which had once been regarded as finally settling the vexed question, was coming to be regarded as but an expedient, not touching the fundamental fact of the institution itself in its broad national bearing. Anti-slavery petitions from societies all over the country poured into Congress. Many of these urged the national legislature to reopen the territorial aspects of the question at once by prohibiting slavery in the District of Columbia. But these petitions were but the signal for a series of resolutions, beginning with the "gag resolutions" of Pinckney and ending with those of Johnson, of January 28, 1840, whose object was to prevent discussion of the slavery issue.

On May 26, 1836, a resolution introduced by Henry L. Pinckney, of South Carolina, was adopted by a vote of one hundred and seventeen against sixty-eight. It was as follows:

"*Resolved*, that all petitions, memorials, resolutions, propositions, or papers relating in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon."

John Quincy Adams protested, saying: "I hold the resolution to be a direct violation of the Constitution of the United States, the rules of this House, and the rights of my constituents." This action of Congress was a triumph for the advocates of slavery and marked an epoch in the national progress of the slavery movement. The abolitionists had flooded the country with unnumbered thousands of pamphlets and papers. The South, instead of replying in kind, had called upon Congress to compel a curtailment of the privileges of the mails. The abolitionists had deluged Congress with memorials against slavery and the South had forced Congress to refuse the reading of these memorials. In taking its present action, Congress was not violating the letter of the Constitution, which prescribed that the right of petition should not be abridged by law. Lacking a definition of the term law it was a question honestly debatable whether or not John Quincy Adams was right in declaring that the resolution violated the Constitution. On the other hand, as the right of petition was an ancient and inherent one under the English Constitution, it was an open question whether or not by implication such rights did exist and were guaranteed by the national document. A republican government peculiarly derives its being and authority from the consent of the governed and its Constitution cannot be taken to limit but simply to define rights in specific terms, leaving to the people those rights with which it is not directly concerned. Such were the views entertained respectively by

the friends and opponents of the Pinckney measure. The resolution of May 26th was only effective during the session of Congress at which it was passed. But at the next session, on January 18, 1837, a similar resolution was introduced into the House and passed by a large majority.

Then Adams prepared a test for the resolution to table petitions. Addressing the Speaker, he announced that he held a petition on the abolition of slavery in the District of Columbia, which purported to come from twenty-two slaves, and inquired whether or not it came under the rule for petitions. Immediately there was a storm of protest and denunciation. The action of Adams was denounced as promotive of an insurrection of the slave population. Thompson, of South Carolina, threatened the aged member with the penal processes of the District courts as an inciter of revolution, and there was a desire to have Adams brought before the bar of the House. After the storm had subsided, Adams requested that he might be permitted to point out some errors which had crept into the arguments of the opposition. He then called attention to the fact that the petition did not call for the abolition of slavery, but for its continuance, and recalled the fact that he had not presented the petition, but had only asked the Speaker whether it came under the resolution of January 18th. This apparent trifling with the dignity of the House was not calculated to soothe the storm of anger and protest. Thompson arraigned the venerable member in language of which the following is an example: "What, sir, is it a mere trifle to hoax, to trifle with the members from the South in this way and on this subject? Is it a light thing, for the amusement of others, to irritate, almost to madness, the whole delegation from the slave States? Sir, it is an aggravation. It is intimated that the petition does not pray for the abolition of slavery, but a very different object. It makes not the slightest difference; it is the attempt to introduce a petition from slaves for any object; as insolent if it be for one purpose as for another. It is the naked fact of the presentation of a petition from

slaves." The practical result of the agitation was a resolution to the effect that slaves were not possessed of the right of petition.

The counting of the electoral vote broke in upon the discussion of Adams's action, and less than four weeks later Van Buren entered upon the presidency and called the extra session of Congress that was wholly occupied with the consideration of the financial panic of 1837. The Twenty-fifth Congress met in regular session on December 4, 1837. Sixteen days later, a scene was precipitated in the House of Representatives through a motion introduced by William Slade, of Vermont, that certain abolitionist petitions should be referred to a special committee, with instructions to bring in a bill providing for the abolition of slavery and the slave trade in the District of Columbia. Again there was great agitation among the representatives from the South, and Slade's speech upon his motion increased the expressions of disapproval. After repeated interruptions, Slade was obliged to take his seat, but not before Henry A. Wise, of Virginia, had called upon his colleagues to leave the hall. His example was followed by others of the Southern representatives. In the midst of general disorder, Robert B. Rhett called upon the representatives of South Carolina to meet in the committee room for the District of Columbia. Another member from South Carolina summoned all the representatives from the slave States to meet with the South Carolina delegates in the committee room. A member from North Carolina moved the adjournment of the House, and this was carried. In a letter to his constituents, Mr. Rhett explained that in calling the Southern members from the hall of the House of Representatives he wished to present two resolutions as amendments to that of Slade, of Vermont. The one declared that as the Constitution had failed to protect the South in the peaceful possession and enjoyment of its rights, "it was expedient that the Union should be dissolved"; and the other appointed a committee of two members from each

State, to report upon the best means of peacefully dissolving it. He explained that he expected them to share the certain fate of Slade's motion. If formulated into a bill, that measure was sure of overwhelming defeat, and the amendments would go with it. Continuing, he said: "My design in presenting them was to place before Congress and the people what, in my opinion, was the true issue upon this great and vital question, and to point out the course of policy by which it should be met by the Southern States." The great majority of the Southern delegates did not wish to carry their demonstration against Slade's resolution to such lengths, and yet they wished to frustrate the consideration by Congress of slavery petitions. Accordingly, the next morning, John M. Patton, of Virginia, offered the following resolution: "That all petitions, memorials, and papers touching the abolition of slavery or the buying, selling, or transferring of slaves, in any State, District, or Territory of the United States, be laid on the table, without being debated, printed, read, or referred, and that no further action whatever shall be had thereon." When the resolution came to a vote, it stood one hundred and twenty-two for and seventy-four against. Patton, in offering his resolution, declared that it was a "concession" made by the South "for the sake of peace, harmony, and union."

But in spite of eighteen months of contempt, anti-slavery petitions had increased to three hundred thousand. The South, meanwhile, continued its policy of seeking to control the course of the government. On December 11 and 12, 1838, resolutions, known by the name of their introducer, Charles Gordon Atherton, of New Hampshire, were brought before the House and adopted. This action of a Northern representative was hailed with satisfaction by the South, but called forth strong denunciation from the section that he was declared to have betrayed. The Atherton resolutions marked an advanced step in their denial of the right of Congress to prevent "the removal of slaves from one State to another." The particular resolution of Atherton which

had most influence in enlisting the support of the Democrats of the North for the Southern position was that which declared that Congress had not the right "to discriminate between the institutions of one portion of the States and another with the view of abolishing the one and promoting the other." This generalizing of the States Rights theory made the doctrine entirely acceptable to the Northern Democrats.

Just the day after Thompson had bitterly arraigned Adams for taking a course which he declared was calculated to incite slaves to rebellion, Calhoun delivered himself in the Senate of an extended speech on the subject of abolitionist petitions. Calhoun, so long a political force, now stood forth as the leader by right of the South's fight for the preservation of slavery, and for its extension into acquired territory. He had long been associated with Webster and Clay in a triumvirate of genius and power, but upon the election of Van Buren, he left his former allies and joined the president in his independent treasury plan. His attitude upon the president's treasury proposition was influenced not so much by his devotion to that particular project as it was by his discernment of its drift. Jackson's financial programme had been nullified by the crisis of 1837. Clay and Webster, although not pronounced for the restoration of the Bank of the United States, nevertheless were opposed to any financial scheme which differed essentially from that. But it was clear to Calhoun that the principle of States Rights, in so far as it was related to the financial conduct of the government, best accorded with the treasury proposition of Van Buren. The rupture of the political affiliations between Clay, Webster, and Calhoun occurred in 1837–1838, and henceforth, Calhoun was the determined, unyielding leader of the Democratic party in its fight for State sovereignty.

The position which he assumed in his speech in the Senate was one of unrelenting hostility toward the abolition movement, and he did not hesitate to declare that it should be dealt with like any other pernicious influence, not left to wear itself away—for that he was convinced it would not

do—but destroyed by the power of government. Said he: "However sound the great body of the non-slaveholding States are at present, in the course of a few years they will be succeeded by those who will have been taught to hate the people and institutions of nearly one-half of this Union with a hatred more deadly than one hostile nation ever entertained towards another." He went on, further, to declare that an alliance of States was unthinkable under the condition of one-half regarding as "sinful and odious in the sight of God and man" an institution upon which the very existence of the other half depended.

While the House was making desperate but futile endeavors to keep the word "slavery" out of its discussions, Calhoun was making that word the text for a declaration of principles more advanced than any other leader had hitherto dared assert. Let others apologize as they might for the existence of slavery, he, at least, would not be an apologist for that which was wrought into the very warp and woof of the economic life of the Southern States. He asserted the claim of his section upon the general government for the preservation of slavery, because it was right. It was not even a partial evil, it was a "positive good." It was the safest foundation of free institutions. He said: "We of the South will not, cannot surrender our institutions. To maintain the existing relations between the two races inhabiting that section of the Union is indispensable to the peace and happiness of both. It cannot be subverted without drenching the country in blood, and extirpating one or the other of the races. Be it good or bad, it has grown up with our society and institutions, and is so interwoven with them, that, to destroy it would be to destroy us as a people. But let me not be misunderstood as admitting, even by implication, that the existing relations between the two races in the slaveholding States is an evil—far otherwise; I hold it to be a good, as it has thus far proved itself to be to both, and will continue to prove so if not disturbed by the fell spirit of abolition. . . . I hold that in the

present state of civilization, where two races of different origin, and distinguished by color, and other physical differences, as well as intellectual, are brought together, the relation now existing in the slaveholding States between the two, is, instead of an evil, a good—a positive good. . . . I fearlessly assert that the existing relation between the two races in the South, against which these blind fanatics are waging war, forms the most solid and durable foundation on which to rear free and stable political institutions." In advocating decidedly the right of the slave States to the preservation of the institution, Calhoun did not stop with a general assertion of the worth of that institution, but declared in most emphatic terms in a set of resolutions the right of a State to order its internal affairs of whatever nature, as a guarantee of the Constitution. These resolutions he introduced as a test of the doctrine of States Rights. The first four of Calhoun's resolutions referred to slavery in the States and the fifth to slavery in the Territories and the District of Columbia. The last declared that the interference of any State or body of citizens of another State to abolish slavery in the District or the Territories, under the pretext that it was immoral or sinful, would be a "direct and dangerous attack on the institutions of all the slaveholding States." Early in January the Senate proceeded to consider these resolutions. They were supported not only by Calhoun's Southern associates, but also by a number of Northern members, who regarded the methods of the abolitionists as fanatical and subversive of the very end which they sought to attain.

The position of Calhoun in his States Rights resolutions was an entirely logical one from the Southern point of view, but he had undertaken an enormous task in attempting to convince the North that slavery was an institution which the economic conditions of the South rendered not only necessary but right, and he fully realized the gravity of the task. Said he: "I was not sanguine of the success of the measure, even if it should be adopted. I presented it

as the most likely to do good and in the desire to do anything to avert the approaching catastrophe, which I was most anxious to avoid." Only one thing was paramount to the preservation of the Union in the mind of Calhoun, and that was the protection of slavery in the States where it was recognized. He professed his earnest purpose to save the Union by effectually checking the onslaught upon slavery. "This," he said, "was the only question of sufficient potency to divide the Union, and divide it it would, or drench the country in blood if not arrested." The first response to Calhoun's challenge came from Senator Smith, of Indiana, who immediately moved an amendment to Calhoun's resolutions that nothing in them should be construed as committing the Senate to a position adverse to that of the Declaration of Independence that "all men are created equal" or to the fundamental propositions of freedom of speech, freedom of the press, and the right of petition. The amendment included the declaration that "the Union must be preserved." In his speech Senator Smith pointed out the inconsistency of Calhoun's demand that there should be no "intermeddling" by free States or any of their citizens with these fundamental liberties of the country.

Thus brought into the realm of abstraction, liberty still refused terms of association with slavery. Calhoun's resolutions were a desperate advance into the enemy's territory. With the set determination of a zealot he carried forward the principle which was to destroy existing affiliations and fix the alignment of the sections so far and so swiftly ahead that the Northern senators with Southern principles wavered in their following. No senator with anti-slavery sentiment followed more keenly the ultimatum of the South as delivered by its accredited champion than did those few senators from the North whose sympathies were with the South, but whose reason could not sanction the radical position of Calhoun in his attempt to secure governmental endorsement and protection of slavery, nor were those senators willing to stigmatize as dangerous fanatics all those who

looked upon the institution as "immoral or sinful." These were demands upon party loyalty too onerous to be borne.

There was one man in the Senate prepared to meet the issue presented by Calhoun. Clay stepped into the arena after the debate had proceeded for several days, and after the earlier resolutions in the Calhoun series had been modified, amended, and adopted. First making clear his position by the statement that he had "voted for the Calhoun resolutions," not "from any confidence in their healing virtues" for, so far from conciliating, they were well calculated "to increase and exasperate . . . the existing agitation," he proceeded to offer a set of counter resolutions. In taking this action he declared that it was all important that the claim of the rights of the State should be met by those of the Union. He said: "I have no apprehension for the safety of the Union from any state of things now existing. I will not answer for the consequences which may issue from indiscretion and harshness on the part of individuals or of Congress, here or elsewhere. We allow ourselves to speak too frequently, and with too much levity, of a separation of this Union. It is a terrible word, to which our ears should not be familiarized. I desire to see in continued safety and prosperity this Union, and no other Union. I believe in this Union as it is, one and indivisible, without diminution. I will neither voluntarily leave it, nor be driven out of it by force. Here, in my place, I shall contend for all the rights of the State which sent me here. I shall contend for them with undoubting confidence, and with the perfect conviction that they are safer in the Union than they would be out of the Union."

The substitute resolutions of Clay affirmed that slavery was an institution of the States and could not be interfered with; that petitions upon the subject of slavery in the States should be rejected as praying for something "palpably beyond the scope of the constitutional power of Congress; that to abolish slavery in the District of Columbia would be a violation of good faith "implied in the cession" of its

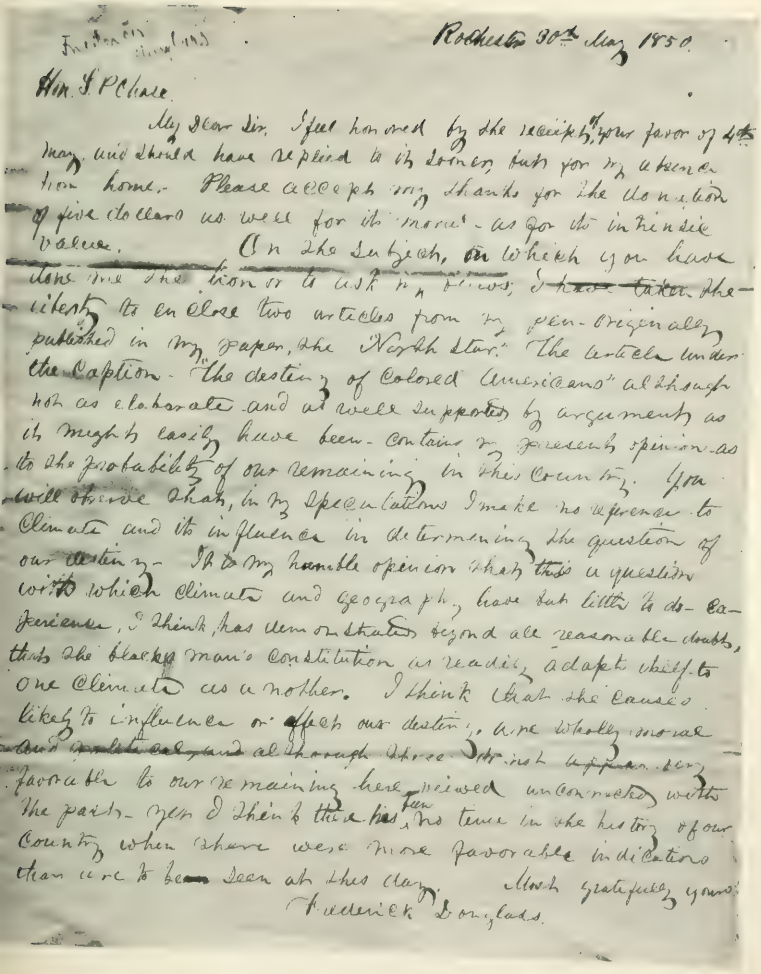
territory by Maryland and Virginia, and that to take such action without indemnifying the slaveowners would alarm the slave States; that the Senate was bound by the right of petition as a constitutional conferment to receive and to respect petitions upon the subject of slavery in the district; that, accordingly, it was proper to refer such petitions to suitable committees; that it would be unwise to abolish slavery in Florida "the only territory of the United States in which it now exists," for the reason that such action would agitate the South; especially was it uncalled for, as the people of Florida had not asked for it, and because it was a matter which they had the exclusive right to determine when they should ask admittance to the Union as a State; that Congress had no constitutional right to interfere with the slave trade between slave States; that the agitation of the question of abolition was a matter of regret; and that the Union should be cherished.

Clay laid the greatest stress in his series of resolutions upon those relating to the District of Columbia and Florida. These were actually adopted by the Senate as were all the resolutions of Calhoun, although they were burdened with amendments which took away much of their force. The effect of these resolutions and their discussion in the Senate was only to promote slavery agitation. Tremendously were the waves of the sea of public opinion beating against the slave-girt shores of the South; futilely was Calhoun trying to lash them back. It is not necessary to attribute to Calhoun personal motives in explanation of the ardor of his purpose. He was undoubtedly possessed by the faith which he formulated and fought for. And yet Clay, who was never above attributing to adversaries the pressure of unworthy influences, in a private letter referred to the Calhoun resolutions and their champion as follows: "They are at last disposed of. Their professed object is slavery; their real aim, to advance the political interest of the mover, and to affect mine."

Anti-slavery petitions continued to be ignored by the Senate and the House, but no restrictions could be placed

upon freedom of speech, and the anti-slavery advocates were zealous in moulding public sentiment in the free States. Having definitely undertaken to make the question a political issue, anti-slavery men began to catechise candidates as to their position upon the all-absorbing question. Especially did they exert their moral compulsion upon Whigs found recreant to the faith which the abolitionists had fashioned for them. In November, 1838, referring to the political situation in Ohio in this respect, Clay wrote: "The abolitionists are alleged to have gone against us almost to a man. The introduction of this new element of abolition into our elections cannot fail to excite, with all reflecting men, the deepest solicitude. Although their numbers are not very great, they are sufficiently numerous in several States to turn the scale. I have now before me a letter from the secretary of the American Anti-Slavery Society in New York, in which he says: 'I should consider (as in all candor I acknowledge I would) the election of a slaveholder to the presidency a great calamity to the country.' The danger is that the contagion may spread until it reaches all the free States. My own position touching slavery, at the present time, is singular enough. The abolitionists are denouncing me as a slaveholder, and slaveholders as an abolitionist, while both unite on Mr. Van Buren." It can easily be seen how Clay had his political fortunes considerably affected by his unwillingness to be bound by the tenets of abolition. He was regarded as a half-way man rather than an open disciple of anti-slavery.

In February, 1839, in a speech in connection with the presentation of petitions from citizens of the District of Columbia praying Congress to suppress all agitation in that body touching slavery and the slave trade in the District, Clay was betrayed into the greatest blunder of his political career. The petition which he made the basis of his remarkable address gossip declared had been written by his own hand. But the grounds for the current belief that he, contrary to his usual practice, wrote out his address in full



Rochester 30th May 1850

Hon. S P Chase

My Dear Sir. I feel honored by the receipt of your favor of 4th May, and should have replied to it sooner, but for my absence from home. Please accept my thanks for the donation of five dollars as well for its moral as for its intrinsic value. On the subject, on which you have done me the honor to ask my views, I have taken the liberty to enclose two articles from my pen originally published in my paper, the North Star. The articles under the caption "The destiny of Colored Americans" although not as elaborate and as well supported by arguments as it might easily have been, contains my present opinion as to the probability of our remaining in this Country. You will observe that, in my speculations I make no reference to Climate and its influence in determining the question of our destiny. It is my humble opinion that this is a question with which Climate and Geography have but little to do. Experience, I think, has demonstrated beyond all reasonable doubt, that the black man's constitution as readily adapts itself to one Climate as another. I think that the causes likely to influence or effect our destiny, are wholly moral and political, and although those do not appear very favorable to our remaining here, viewed unconnected with the past, yet I think there has been no time in the history of our Country, when there were more favorable indications than are to be seen at this day. Most gratefully yours

Frederick Douglass.

Letter from Frederick Douglass to Salmon P. Chase, referring to the destiny of the negro race. *From the original in possession of the Missouri Historical Society.*

and read it, before delivery, to a Southern senator, an ardent slavery advocate, and a group of the senator's friends, has more substantial basis than idle rumor. In this address Clay divided the abolitionists into three classes: the benevolently inclined, like the peaceful Quakers, those who resented the overthrow of the right of petition, and, finally, the revolutionary abolitionists, who would carry their principles at the point of the bayonet. Clay denied the authority of Congress, even if it had the power, to free the three million slaves. He declared, that granted authority and power, such a course would be positively immoral, for it would mean eventually the domination of the white race by the negro. He set forth the alternative in the South of the government of the negro by the white man, or of the white man by the negro. Said he: "In such an alternative, who can hesitate? Is it not better for both parties that the existing state should be preserved? This is our true ground of defence. It is that which our Revolutionary ancestors assure. It is that which, in my opinion, forms our justification in the eyes of all Christendom." He recognized the slaves as being property because the law so declared them, and inquired of the abolitionists whether they would indemnify the slaveowners with twelve hundred million dollars for the loss of their property. He could see in the abolition movement only a half century setback to a beneficent movement of sentiment toward emancipation. As for the slaves, they had reaped from the abolition movement no benefit, but, instead, more rigorous laws. He declared that if he were a citizen of any of the planting States he would earnestly oppose "any scheme of emancipation, gradual or immediate, because of the danger of an ultimate ascendency of the black race, or of a civil contest which might terminate in the extinction of one race or the other." He denied, however, that he had any sympathy with slavery as an institution. Said he: "I am no friend of slavery. The searcher of all hearts knows that every pulsation of mine beats high and strong in the cause of liberty. Wherever it is safe and practicable, I

desire to see every portion of the human family in the enjoyment of it. But I prefer the liberty of my own country to that of any other people, and the liberty of my own race to that of any other. The liberty of the descendants of Africa in the United States is incompatible with the liberty and safety of the European descendants. Their slavery forms an exception—an exception resulting from a stern and inexorable necessity—to the general liberty in the United States. We do not originate, nor are we responsible for, this necessity. Their liberty, if it were possible, could only be established by violating the incontestable powers of the States and subverting the Union; and beneath the ruins of the Union would be buried, sooner or later, the liberty of both races." The Senator earnestly pleaded with the abolitionists to desist from their agitation. When he had finished his speech, Clay was forced to listen to the praises of Calhoun, who contrasted Clay's present position with that he held at the time he had introduced his resolutions, and professed to believe his address was a recantation. Clay quietly submitted to the condescension of the Southern leader. The author of the fine sentiment, "I would rather be right than president," had compromised his honest convictions.

Early in the session of the Twenty-sixth Congress, which convened in December, 1839, the inevitable gag resolution was introduced. In January, 1840, Thompson, of South Carolina, made the motion that all papers touching slavery should be laid on the table without being read or debated. The motion provoked discussion and produced other resolutions on both sides of the question. Adams proposed as an amendment to the twenty-first rule of the House that any petition to which there was not specific objection should be received, and, where objections were raised, the name of the member offering the objection should be entered upon the journal, with his reason therefor, so that the question then would take the form: Shall the petition be rejected? Although Adams pleaded for the

reception and consideration of petitions, he declared that he was not in favor of abolishing slavery in the District of Columbia and did not believe that there were ten members so inclined. After the debate had continued for several days, William Cost Johnson, a Whig member from Maryland, offered to amend Adams's amendment to the extent that no paper adverse to slavery in the District or in the Territories or that sought to have the slave trade inhibited should be entertained by the House. This being agreed to, the amendment, as amended, was adopted.

In 1840, there were evidences of a worldwide interest in the abolition of slavery, or at least in the universal emancipation of the blacks. Great Britain had emancipated the slaves in her West India possessions, and had, moreover, refused to pay for slaves which had sought refuge there. That same year the World's Convention met in London, and avowed its purpose of securing the liberation of slaves wherever held in bondage, and of suppressing the slave traffic. A circular letter prepared at this convention was sent to the governors of the slaveholding States, setting forth the familiar indictments against slavery and the slave trade, and asserting that the only way to suppress the latter was to abolish the former, and appealing to the slaveholders upon the plea of the brotherhood of man and the doctrines of Christianity. These letters were forwarded to their destinations in the United States by Seth M. Gates, a member of the House of Representatives from New York, under his franking privilege. The circulars and the agency of Gates in their distribution were strongly denounced by the Southern governors. Among the denouncers was James K. Polk, Governor of Tennessee, who four years later filled the presidential chair. Popular opinion throughout the South resented the action of the member from New York.

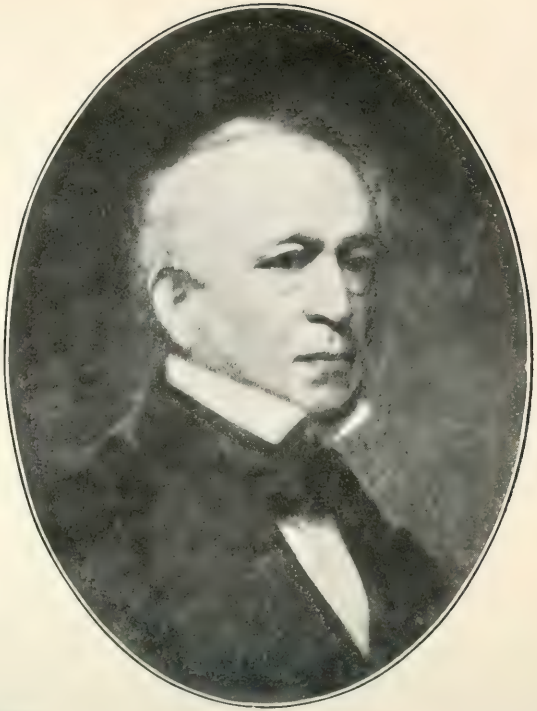
Great Britain had uniformly sought to suppress the slave trade from the year 1806. At her solicitation, the United States manifested some interest in the same cause by keeping a few ships in African waters, but our government would

not consent to mutual visitation and search. As a result, the American flag was frequently appropriated by slavers of other nationalities to protect them in their nefarious traffic. In 1841, Great Britain, Austria, France, Prussia, and Russia entered into what was called the Quintuple Treaty for the complete suppression of the African slave trade. By the provisions of this agreement, cruisers belonging to the contracting powers were detailed to visit and detain, within certain specified limits, the merchant vessels of any of the five nations which might be suspected of being engaged in the unlawful commerce. It was hoped that by this coöperation the slave trade would be completely suppressed.

On August 9, 1842, a treaty called by the name of the British minister, the Ashburton Treaty, was signed at Washington. The mission of Lord Ashburton was a wide one, being professedly for the composing of the boundary and all other differences between the two countries. But in connection with the slavery question the clause of greatest interest was that which required the United States to keep a force of eighty guns, necessitating for the service of ships one thousand men, on the coast of Africa for the suppression of the slave trade. In the Senate Benton led the attack upon the treaty. He referred to the spirit of "roaming philanthropy" which had taken the negroes of Africa under its protection. He declared that the proposition to sustain a squadron in African waters veiled a tribute to England, as the condition carried with it, for the life of the treaty,—which was five years,—exemption from search. He did not propose to pay such a price for the assurance of security from Great Britain's inquisition. James Buchanan added to the argument of the opposition by a speech in which he declared that the treaty was clothed in obscurity. "Did the British government," he asked, "demand this sacrifice at our hands? Was it necessary to appease the wounded pride of England at the disappointment she experienced when France, our ancient and faithful ally, refused to ratify the Quintuple Treaty and identified herself with us in resisting

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Edward Everett.

From the painting in the State House, Boston.

From the painting by Harvey Young, in the Public Library, Boston.

the right of visitation and search?" He declared that to ratify the treaty would be to endorse Great Britain's extravagant claim to be the "supreme protector of the rights of humanity." Other members asserted that the country's expenditures for the carrying out of this clause of the treaty would be in effect tribute money to Great Britain and "a prostration of the interests and rights of American citizens, and a dishonor to the American name." But the treaty, in spite of all opposition, was ratified by a vote of thirty-nine to nine.

We may now consider some phases of the slave problem which were developed by the coastwise slave trade. During Van Buren's administration, the claims of this country in connection with the *Comet* and the *Encomium* were settled. These cases are representative of the whole class of such claims, which kept this country supplied with petty causes for dispute with Great Britain. In 1830, the *Comet*, bound from Alexandria with a cargo of slaves for the New Orleans market, was wrecked on the False Keys of the Bahama Islands. Her passengers, including the slaves, were brought by wreckers to Nassau, where the liberty of the slaves was recognized. Four years later the *Encomium*, sailing from Charleston with a number of slaves on board and bound for Louisiana, was stranded at about the same place where the *Comet* had been wrecked. By this accident her slaves also were made free. The following year, 1835, the *Enterprise* sailed from the District of Columbia with a cargo of slaves for Charleston and was forced by stress of weather into Port Hamilton, Bermuda, and her slaves, coming under the British rule, were made free. The negotiations for recompense for the blacks were commenced under President Jackson and continued into Van Buren's administration, when, as we have noted, the first two claims were conceded and paid. But Great Britain persistently refused to pay for the slaves on board the *Enterprise*, upon the ground that the misfortune to that ship had occurred after the British act for the emancipation of the slaves in the British

West Indies had gone into effect. Calhoun brought the matter into the Senate and contended that if the slaves had been taken voluntarily into the British port the correctness of that government's position would be beyond question, but that enforced entrance into Great Britain's jurisdiction gave a different aspect to the case. He, therefore, averred that in detaining the negroes Great Britain had made herself liable for damages. He also pointed out that the length of the channel between Florida and the Bahamas as compared with its breadth, two hundred miles against fifty, would render it hazardous to use that channel if the principle Great Britain sought to establish should be conceded. Calhoun was sustained in his contention by many of the leading men of the Senate, including Clay and Benton, and his resolutions calling upon Great Britain to make redress were passed. Great Britain was forced to recapture the slaves to whom she had given liberty. In 1840, a case having points of similarity to the foregoing arose. The *Hermosa* sailed from Richmond for New Orleans in that year, was wrecked on a small British island and taken into Nassau, where the slaves claimed and were conceded liberty. Once more, Congress was importuned to secure redress from the British government. A petition to that effect was introduced by Alexander Barrow, of Louisiana. In this instance the petitioners failed of success.

A much more important case was that of the *Creole*, of Richmond, which, in 1841, having on board one hundred and thirty-five slaves, sailed for New Orleans. On November 7th, when the vessel was off the Bahama Island, nineteen of the slaves, under the lead of Madison Washington, took forcible possession of the brig and sailed her into the port of Nassau. The slaves had not gotten possession of the brig until, in a desperate struggle, the captain, the first mate, and ten of the crew were wounded, and a slave vender, who was aboard, was killed. The British authorities took possession of the vessel pending an investigation of the affair. All the slaves were set free, with the exception of the

nineteen rioters, and these were held awaiting instructions from the home government. The officers of the brig demanded the right to carry the offenders into some port of the United States for trial, but this the British authorities refused. Benton declares that "this was tantamount to an acquittal, and even justification of all that they had done, as according to the British judicial decisions a slave has the right to kill his master to obtain his freedom." There came an insistent demand from the South that such invasions of the rights of the country should not be submitted to. Calhoun pointed out the criminality of the British government in giving its protection to pirates on the high seas who had conducted the craft of which they had gained unlawful possession into a British port. He declared this offence to be the more aggravated in view of the fact that the vessel with the legitimate cargo was sailing from one American port to another. Henry Clay joined Calhoun in his protest, declaring that if such acts were permitted Americans would virtually be denied liberty of coastwise traffic, that it would be dangerous for them to attempt to proceed from one port to another with slaves aboard their ships. On February 11, 1842, Calhoun introduced a resolution requesting the president to furnish the Senate with any information he had with regard to the occurrences in connection with the *Creole*. In compliance with this resolution, which was adopted and duly forwarded to the president, the executive responded that the government was in receipt of the facts in the case and that the secretary of state had been instructed to prepare a despatch to Mr. Everett, the American minister at the Court of St. James, and that this would be done at once. Calhoun expressed his impatience with such diplomatic procedure and said that he had hoped that the government would forthwith despatch a warship with a demand to be placed in the hands of the American minister at London for the immediate yielding up of the criminals by the British government. However, as no further action could be taken, Calhoun

was forced to await the course of diplomatic adjustment. Daniel Webster, who was secretary of state, prepared the despatch. It was satisfactory to Calhoun, but some of the senators were not satisfied with a paragraph in it which expressed the hope that Lord Ashburton, who was soon to come out to the United States, would be clothed with power to adjust the *Creole* case. This, in fact, was one of the causes in the general instructions of Lord Ashburton with regard to the matters concerning which he was to seek to effect an agreement and to draw up a treaty with the United States.

The *Creole* matter found its echo in the House, when Joshua R. Giddings, impressed with the fact that slavery could be discussed in the Senate, drew up a series of resolutions upon the subject and presented them on March 21, 1842. They set forth the sovereignty of a State over slaves in its own territory, the surrender to the Federal government by the States, under the Constitution, of entire jurisdiction over commerce and navigation; that slavery, being an abridgment of the natural rights of men, could only exist by positive municipal law, and, consequently, when a ship belonging to a citizen of any State entered upon the high seas it became amenable to the laws of the United States. The deductions drawn from these propositions were that when the brig *Creole* left Virginia the laws of that State ceased to have jurisdiction over persons on board; that the slaves, in resuming their natural rights, violated no law of the United States; that they, therefore, incurred no legal penalty; that any attempt to gain possession of or to reënslave those persons was unauthorized by the Constitution and the laws of the United States; that all attempts to exercise the influence of the nation in the promotion of the coastwise slave trade was subversive of the rights of the people of the free States, was without the sanction of the Constitution and offensive to the national character. These resolutions being shown to Adams before their introduction into the House, he approved them all with the exception

of the one denying the power of the Federal government to abolish slavery in the States. When Giddings presented his resolution to the House he found himself at once the centre of argument and invective. He finally consented to withdraw his resolutions, with the remark that they would at any rate be published. But this did not satisfy the House, and Botts, of Virginia, moved a vote of censure upon the ground that the subject-matter of the resolutions touched a question vital to the interest of a section of the Union and the subject of negotiations with the government of Great Britain, the result of which "might involve those nations and perhaps the civilized world in war." After discussion, the House adjourned without passing the resolution. On the following day the vote of censure passed the House by one hundred and twenty to sixty-nine. Giddings immediately resigned his seat and returned to Ohio, which State within five weeks reëlected him, clothed with instructions to present his resolutions again, and to stand fast in his position. Upon his return to the House he attempted to do this, but the majority, availing themselves of filibustering parliamentary tactics, prevented him from carrying out his intention.

The international aspects of slavery were touched upon in a review by the Supreme Court of a case involving the rendition of fugitive slaves. This case was a precursor of the legislation of 1850. The case was that of Edward Prigg, of Maryland, who in 1839 carried out of the State of Pennsylvania a colored woman, Margaret Morgan, and her children, who in 1832 had fled from servitude. Prigg delivered them to their claimant, Margaret Ashmore, a resident of the State of Maryland. Prigg was arrested, tried, and convicted of violating a Pennsylvania statute of 1826. As the case was of interest to both Maryland and Pennsylvania, these States agreed to have it carried to the Supreme Court of the United States. Justice Story rendered the decision of the court that the Act of Pennsylvania was unconstitutional and void, as that clause of the Constitution

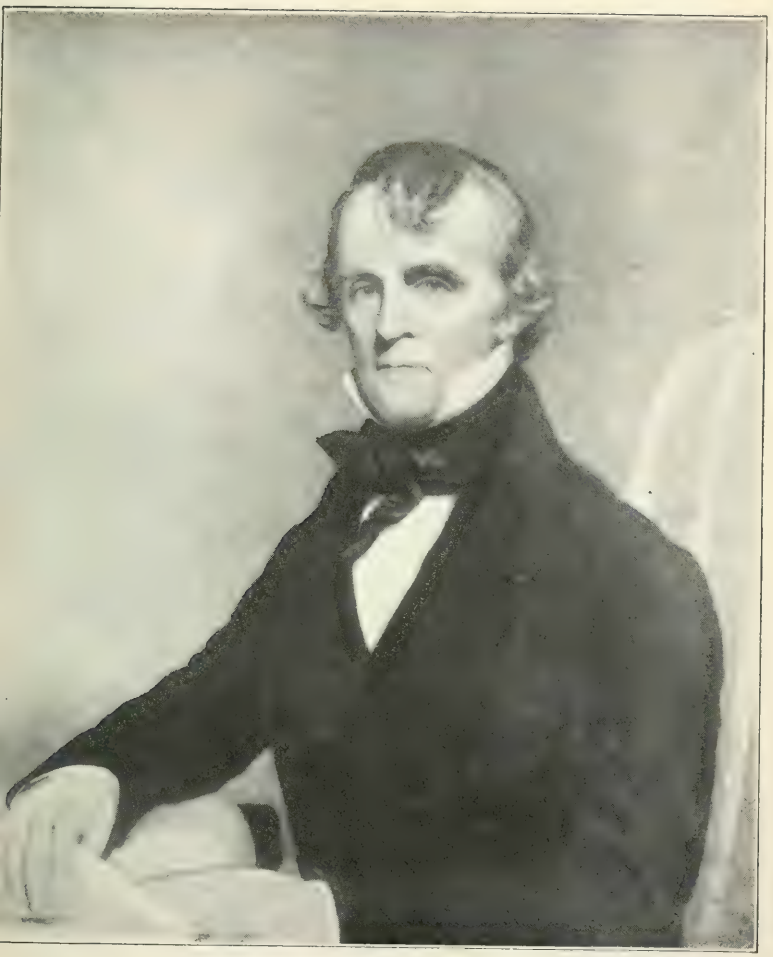
which provided that fugitives from labor should be delivered up created a new right over which Congress had sole jurisdiction, and therefore the States had no power to legislate upon it. The decision continued by pointing out that even if slavery existed by municipal law, yet the guarantee of the Constitution extended the rights of the owner over his fugitive slave beyond the borders of his own State and into every other State, so that he might seize and recapture his slave wherever found, provided that he could do so without any breach of the peace or any illegal violence. Chief Justice Taney delivered a dissenting opinion, in which he said: "If the State authorities are absolved from all obligation to protect their right [to recapture] and may stand by and see it violated, without an effort to defend it, the Act of Congress of 1793 scarcely deserves the name of a remedy." Justice McLean dissented from the opinion of the court because of his conviction that it was a dangerous infringement of personal liberty. Reverting to his attitude in the Prigg case at a later time, he thus states his position in full: "Under the Act of 1793, the master or his agent had a right to seize his absconding slave wherever he might be found, not to take him out of the State, but to bring him before some judicial officer of the State, or of the United States, within the State, to make proof of his right to the services of the fugitive. But, by the decision in the case of Prigg *versus* the State of Pennsylvania, the master had a right to seize his slave in any State where he may be found, if he can do so without a breach of the peace, and without any exhibition of claim or authority take him back to the State from whence he absconded. Believing that this remedy was not necessary to the rights of the master, and, if practically enforced, would produce great excitement in the free States, I dissented from the opinion of the court and stated my objection with whatever force I was able." Although the law of 1793 was on its face favorable to the slaveholder, yet the practical difficulties in the way of recapturing and securing the return of fugitive slaves made it

really operate in the interest of freedom up to the time of the passage of the Fugitive Slave Law of 1850.

A case of revolting slaves taking possession of a schooner which achieved wide political distinction was that of the *l'Amistad*, which, on June 27, 1839, left the harbor of Havana, bound for Guanaja Puerto Principe. There were fifty-two negroes aboard in possession of two Spanish slave dealers, Ruiz and Montez. After being some days out from port the negroes revolted, killing the captain and three other whites. They then directed Ruiz and Montez to steer the ship in the direction of Africa, but being unversed in navigation, they were deceived by the Spaniards, who instead brought the vessel into American waters. On August 26th, Lieutenant Gedney, in command of the United States brig *Washington*, sighted the ship off Cullogen Point, Long Island. Lieutenant Gedney had his suspicions raised with regard to the craft, and, upon finding it in charge of negroes, took possession of the ship, of the negroes aboard her, and of others of the negroes who had left the ship and reached the shore. Lieutenant Gedney took the ship and its entire "cargo" to New London, Connecticut, where the case was brought before the Federal courts. It developed many complications. Gedney and his associates claimed salvage money; Ruiz and Montez demanded possession of the negroes; the latter in turn brought action against the Spaniards; while the administration recommended that the ship with the negroes be surrendered to the Spanish ambassador. The case in its political bearings was a very difficult one. Secretary of State Forsyth, of Georgia, was informed by the district attorney of Connecticut that the Spanish minister demanded possession of "the ship, cargo, and blacks" under the terms of the treaty of 1795. The secretary of state, on September 11th, replied as follows to the communication of the district attorney: "Mr. Calderon's application will be immediately transmitted to the President for his decision upon it. . . . In the meantime, you will take care that no proceedings of your circuit court, or of any other judicial

tribunal, places the vessel, cargo, or slaves beyond the control of the Federal executive." The case was referred on September 24th to the attorney-general, Felix Grundy, of Tennessee, for an official opinion. The following November that official rendered an opinion to the effect that the cargo and negroes should be surrendered without regard to the question of the rightful ownership of them by the Spaniards, since it was not within the province of the United States to inquire into the correctness of the circumstances as given in the Spanish documents; and that the president should advise the marshal having custody of the ship and cargo to turn them over to such persons as the Spanish ambassador should designate to receive them. Article nine of the treaty referred only to ships and goods taken from the possession of "pirates" on the high seas. The fact of the negroes being the legitimate property of the claimants was considered established by the passport of the governor of Cuba, although it was known to both the Spanish ambassador and the American attorney-general that the passport had been illegally obtained. According to the laws of Spain, the negroes were free, as, in accordance with a treaty concluded with Great Britain, the Spanish government in 1817 had issued a decree prohibiting the importation of slaves from Africa after May 30, 1820. With their status thus defined and under the protection of specific laws of Spain passed to give effect to the decree, the acts of the negroes were justifiable measures of self-defence. They were neither "pirates" nor "commodities."

On January 7, 1840, the secretary of state directed the Spanish minister to be prepared to take possession of the ship and cargo and the negroes immediately upon the rendering of a decision by the District Court. The minister thereupon preferred the request for the president to order the transportation of the negroes, upon their release, in a government vessel to Cuba. The president assented and three days before the Court assembled, a vessel was anchored off New Haven in readiness to carry out this



Isaac Toucey. *From the painting in the Capitol, Hartford, Connecticut.*



commission. The significance of this fact is found in the wording of the Spanish minister's demand for the negroes, "for, be it recollected, that the legation of Spain does not demand the delivery of slaves, but of assassins." The court reached the decision that as the papers of Ruiz and Montez were fraudulent, the status of the negroes was that of native Africans illegally imported, and that, according to the treaty of 1819, they should be sent back to Africa. This decision was not satisfactory to the secretary of state, who at once ordered the district attorney to take an appeal to the Circuit Court. That official was in entire sympathy with the administration's purpose to honor the Spanish minister's demand to the letter, even though such compliance would be followed by the execution of the blacks.

Failing confirmation of the administration's position from the Circuit Court, the case was carried up to the Supreme Court. The matter had now become a party question. John Quincy Adams consented to undertake the defence of the *L'Amistad* negroes. In his plea he pictured the president prostrating himself at the "bidding of the fleshmongers." He charged the government with seeking to complete the shameful voyage of the ship that had sailed from the African coast with its human chattels. He declared that the wretched Africans had been torn from their own country and shipped against the laws of Spain, against the laws of the United States, and in violation of the law of nations. He pictured the cruelties of the Spanish claimants whose ill-treatment had caused the death of sixteen of the hapless mortals upon the voyage. Step by step he followed the progress of the case through the courts and through the channels of diplomacy and characterized as most extraordinary the instructions of the secretary of state to see to it that the decision of the District Court or any other court should not place the Africans beyond the control of the president. Instead of such ignoble alliance with Spain in her determined man hunt, he declared that the secretary of state

should have replied to the demands of the Spanish minister that his claim was inadmissible. Inadmissible because the owner of the ship was dead and it was impossible to deliver the ship; because the question depended upon the courts, the Spanish minister's declaration that the courts of the United States had no jurisdiction being untrue and offensive; because the president had no power to arrest and deliver up any person whatsoever. The case was passed upon by the court and its judgment, rendered on March 9, 1841, by Justice Story, proclaimed the negroes of the *L'Amistad* free. It held that the Africans had been unlawfully transported to Cuba, and that the Spanish claimants had knowledge of this fact when they purchased them; that they were free and that they did not become pirates and robbers in taking forcible possession of the ship and attempting to regain their native land; that there was nothing in the treaty with Spain that justified that country's claim for their surrender, and that the United States was bound to respect their rights as well as those of Spanish subjects.

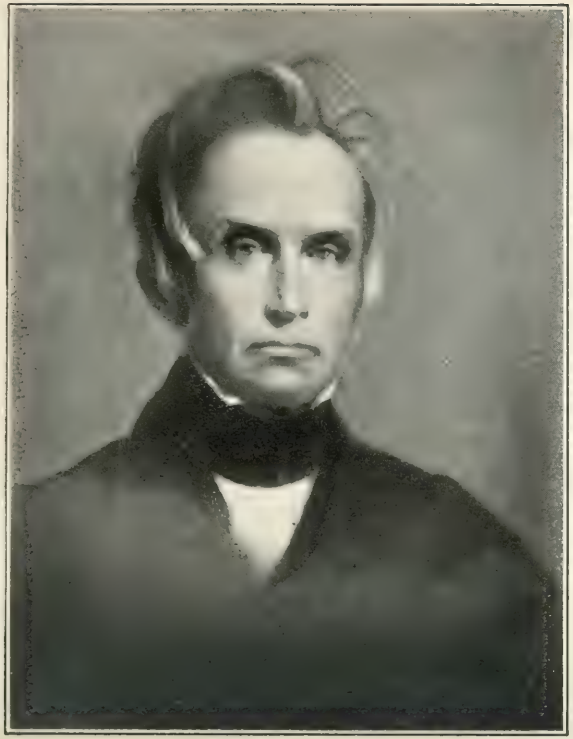
The difference of criminal jurisprudence in the States led to a number of clashes over questions of jurisdiction. Such a case arose in July, 1839. A negro named Isaac was found secreted on a schooner which arrived in New York harbor. On coming into port, Isaac was seized and taken to Virginia, without legal process and in spite of a New York law against kidnapping. The Governor of Virginia made demand upon the New York executive for the surrender of certain colored men who had facilitated Isaac's escape from his master in the Old Dominion. This demand was refused upon the ground that no State could demand the surrender of a fugitive from justice for an act which was made criminal only by its own legislation. A similar difference between Georgia and Maine in 1837 had led the former State to seek to secure a Federal enactment making it obligatory upon one governor under such circumstances to honor the requisition from another. The New York case influenced the legislature of that State in 1840 to pass an Act extending

the right of trial by jury, with special regard to fugitive slaves. This action, following upon the refusal of the governor to take the view of the Virginia executive in the recent case, provoked retaliatory legislation on the part of Virginia. Its legislature passed an Act in the same year, making it a penal offence for a citizen of New York to carry slaves out of the Commonwealth of Virginia. This legislation was made effective by a clause providing that all the vessels of the former State, before leaving any Virginia port, should be searched. The Act authorized the Governor of Virginia to order its suspension whenever the New York legislature should rescind its objectionable legislation and grant the claim which the Governor of Virginia had asserted in the case of the negro Isaac. The Virginia case attracted the attention of the whole country, and evoked many opinions as to the legal aspect which it involved. As the Democrats controlled both branches of the New York legislature in 1842, they passed a resolution reviewing the circumstances of the Isaac case and affirming that "the stealing of a slave within the jurisdiction of Virginia was within the meaning of the Constitution." Governor Seward, the same executive who had been a party to the controversy, declined to transmit this resolution to the Virginia authorities, and stated that he remained of the opinion "that beings possessed of the physical, moral, and intellectual faculties common to the human race, cannot, by the force of any constitution or laws, be goods or chattels, or a thing; and that nothing but goods, chattels, and things can be the subject of larceny, stealing, or theft."

In 1842, Ohio became the centre of interest from a slavery case which gave rise to important rulings and decisions. Van Zandt, a farmer of Hamilton County, returning home from Cincinnati, gave aid and transportation to nine Kentucky fugitive slaves. The persons in pursuit of the blacks overtook the farmer, secured possession of seven of the fugitives, took them back to Kentucky, and lodged them in the jail at Covington. The captors were indicted by the

grand jury, tried, and acquitted. Van Zandt was brought before the Circuit Court of the United States, Chief Justice McLean presiding, and was defended by Thomas Morris and Salmon P. Chase. Justice McLean charged the jury to consider the case in the light of the Prigg verdict, and they brought in a verdict of guilty. Van Zandt was fined twelve hundred dollars. The case was carried to the Supreme Court in 1846, and argued by Mr. Seward and Mr. Chase. Justice Woodbury delivered the opinion of the court, which maintained the constitutionality of the law of 1793 and overruled the exceptions taken by the counsel for Van Zandt. The Prigg case figured again in 1842, in Massachusetts. George Latimer, having made his escape from Virginia and come to Massachusetts, was seized in the city of Boston at the request of James B. Grey, of Norfolk, who claimed him as his slave. A writ of *habeas corpus* was sued out in his favor by his counsel, Samuel E. Sewell and Amos B. Merrill. The case was argued before Chief Justice Shaw, who decided that the statute of the United States warranted the owner in seizing his slave in any State to which he might have fled, and, after proving his claim before a United States Court, to take him out of the jurisdiction of such State. The writ was thereupon denied. The city attorney of Boston next applied in behalf of the claimant for a certificate that Latimer was his slave, and for time to secure proofs from Norfolk. The court granted the application.

On October 30th, an exciting meeting was held at Faneuil Hall for the purpose of protesting against the operation of the fugitive slave law in the Latimer case. As an illustration of the feelings of the people of the North toward the fugitive slave law the following extract from an address by Edmund Quincy at this meeting may be cited. Referring to the negro fugitive he said: "He turns his face to the North Star, which he had been falsely told hung over a land of liberty. He treads the forest, he hurries by night across the green swamps, he lies concealed by day in the tangled cane-brake, he dares the treacherous morass, he



Theodore Frelinghuysen.



John Hazlehurst Boneval Latrobe.

fords rivers, he scales mountains; but he shuns the face of Christian man as his deadliest foe! At last he reaches the free State; but he rests not from his pilgrimage until he has taken sanctuary in the very birthplace of liberty. Here he places his feet on our hearthstone, and demands hospitality and protection. And with what reception met this demand upon the humanity, the Christianity, the love of liberty of Boston? The signal for the chase is given; the immortal game is on foot; a pack of bloodhounds in human shape is put on the scent; they pursue, seize, and hold him down, with the oppressor himself for the master of the hunt, and the second judicial magistrate in the nation for the whipper-in! Your police officers and jailers, under the compulsion of no law, are the voluntary partakers of this hideous case; and your streets and your prisons form the hunting ground on which the quarry is run down and secured." Wendell Phillips then addressed the assemblage: "When I look upon these crowded thousands and see them trample on their consciences and the rights of their fellowmen at the bidding of a piece of parchment, I say, 'My curse be upon the Constitution of these United States!'" The protest of the Boston citizens had its effect upon the officials as well as upon the owner of Latimer, and the case was brought to a close by the raising of a fund of four hundred dollars by Boston citizens to buy the liberty of the slave.

North and south, the proceedings at Boston had effect. Virginia was ablaze with excitement and was loud in denunciation of the Boston proceedings; public meetings were held, and a demand for redress or retaliation was made upon the legislature. A requisition of the Virginia governor upon the executive of Massachusetts for Latimer as a fugitive from justice was refused by the latter governor. In Massachusetts, the legislature, which was Democratic, passed an Act constituting it a penal offence for any State officer or constable in any way to attempt to make effective the law of 1793 or to have part in the incarceration of any fugitive.

Other States took similar action. In Congress, Adams was again fighting the battle for the right of petition. A paper was introduced into the House signed by fifty thousand citizens of Massachusetts praying that the Constitution might be so amended and such laws passed as would relieve the State from all further participation in slavery. Adams also presented resolutions passed by the Massachusetts legislature proposing that the national Constitution be so amended as to base representation upon free persons.

It is interesting again to revert to the attitude of the churches and to notice what effect the slavery leaven had been having upon the lump of Christian thought. In 1844 the General Association of Massachusetts corresponded with Southern ecclesiastical bodies under its direction with the result of disclosing throughout the South a feeling of profound apprehension, the position of religious societies in the South being an extremely delicate one. The Presbytery of South Alabama, in response to the Massachusetts General Association's query, replied that, on account of the large number of slaves, "immediate emancipation was not only dangerous to themselves, but doubly so to the safety of the white population" and that the agitation of the abolitionists had had the effect of combining every class of men, Christian and unbeliever, to hold them in close bondage for common safety.

The agitation became, in some instances, responsible for severer slave laws. At this time in Alabama it was made a crime for anyone to teach a free person of color to read or write, under a penalty of five hundred dollars. Slaves were prohibited from assembling in groups numbering more than five under pretence of engaging in religious worship, except upon their owners' premises. Negroes were prohibited from preaching except when five or more slaveholders were present. It was forbidden anyone to emancipate a slave within the State, excepting upon the ground of some extraordinary act on the slave's part; under such circumstances it was still necessary to have the authorization of a

special act of the legislature. "Thus, if every man in the State were to leave slaves free, the laws would still hold them in bondage." The correspondence concluded as follows: "We who dwell in the midst of the slave population, and who ought to be as much respected for our piety and our opinions as those at a distance, see the fatal results and mourn over them as they spread desolation over the spiritual and temporal welfare of the slave. We have remonstrated and expostulated with our brethren of the North, but our expostulations have been unheeded, and treated with contempt, or our own motives resolved into mere cupidity and avarice. You have asked us to advise as to your relation and duty, and how the emancipation of the slaves is to be effected. Our answer to your inquiry is, we exhort you to let it alone—as every step you have already taken has only rendered the condition of the slave worse than it ever has been, and has more firmly riveted the chains of bondage, and can never reach the object before you. We for ourselves feel constrained to act as we are now doing, not to touch or meddle with the subject of slavery as a moral or political evil, until God, in his providence, shall open the way before us to act, should he design their emancipation."

The Presbytery of West Tennessee responded to the same inquiries to the effect that there was a very large preponderating sentiment throughout the South adverse to slavery. It was regarded as a great political evil and there were not very many who could find in the system anything to justify it from the point of view of religion. To employ the words in part of the reply: "Many are anxious to wipe forever from our political and religious character the foul blot; but how this is to be done, so as to secure the best interests of all concerned, we have not yet found out." The strong tide of opposing opinions was gradually, surely rising to the point where Church and State should be torn asunder by the terrific force of the impending cataclysm.

While the question of slavery was thus agitating the Church, Congress, and society, practical measures were

actively at work for the relief of the South from conditions due to the presence of its large servile population. Among the schemes in operation, none appeared so feasible as that of the American Colonization Society, and none reflected greater credit upon its exponents, notwithstanding the disfavor in which it was held by the rabid abolitionists, who took the abstract ground that the negro was the equal of the white man, and that to deport him because of his obnoxiousness to the white people of the South would be to compromise with an essential principle. In the face of criticism this society, which had been organized in Washington in 1817, continued its work. It was proposed that as masters manumitted their slaves, this society should secure their transportation to the free state to be founded in the Dark Continent. This purpose was pursued, and the participation of Maryland in particular reflects great credit on that State for its interest in the unfortunate negroes. The total expenditure of Maryland on this account amounted to more than a quarter-million dollars. The most active promoter of the Maryland Society was John H. B. Latrobe, who prepared a charter under which the Maryland colony in Liberia maintained a prosperous government for many years, finally uniting with the earlier Liberian government. All such efforts, practically philanthropic though they might be, could only effect limited results. They could not curb the fiery zeal of the abolitionist or stay the strong current of anti-slavery sentiment.

CHAPTER III

ADMINISTRATION OF TYLER

On March 4, 1841, Washington was the centre of a concourse of people who believed that the accession to the presidency of the Whig candidate signified the beginning of a new era in the history of the country. Affecting that simplicity and hardihood which had been lauded in the campaign as typical of the spirit of the nation, Harrison came without attendance, and, although sixty-eight years of age, sought to discredit charges of feeble health by reckless exposure and carelessness. Inauguration day was cold and windy, but unmindful of the weather, the president for two hours rode with bared head along Pennsylvania Avenue in the procession.

And now the president was to pronounce the words of reform which had been the talisman of a campaign whose festivities had continued with almost unabated force after the election. "If one could imagine a whole nation declaring a holiday or season of rollicking for a period of six or eight months, and giving themselves up during the whole time to the wildest freaks of fun and frolic, caring nothing for business, singing, dancing, and carousing, night and day, you might have some faint notion of the extraordinary scenes of 1840." The address of President Harrison set forth the policy by which he proposed to be guided in the conduct of his office. He promised to use the veto power sparingly, to abstain rigidly from identifying himself with

legislation, to oppose the employment of patronage and the gift of office for the control of elections, to separate "the purse from the sword," and to direct his policy toward the securing of "the greatest good to the greatest number." His wish was to cultivate the good will of the South and to bring about concord on the question of slavery. Upon the subject of national finance, his opinions seemed to favor the restoration of the national bank. On the whole, Harrison's programme was a very worthy one to constitute his last testament.

President Harrison's body of official advisers consisted of Daniel Webster, secretary of state; Thomas Ewing, secretary of the treasury; John Bell, secretary of war; George E. Badger, secretary of the navy; Francis E. Granger, postmaster-general; and John J. Crittenden, attorney-general. On March 5th the Senate confirmed these appointments. Clay had declined a place in the president's Cabinet, but had accepted the privilege of naming Ewing and Crittenden.

Hardly had the president been inducted into office before the anti-spoils pretensions of the Whigs vanished and the system was seen to have the sanction of both parties. Office seekers gave the new president no surcease from their importunities; yet, with good judgment and evident desire to placate the factions of his party, he distributed the patronage. But the insatiate plea of the office seekers would have been wearying to stronger men than Harrison, and as early as seven weeks before the inauguration, Bell, of Tennessee, who had already been designated as secretary of war, rebelled against their tireless importunity and exclaimed: "I am growing pretty sick already of this thing of office in my own case. In truth, I begin to fear that we are at last, or rather that our leading politicians are in the several States, chiefly swayed by the thirst for power and plunder. Would you think that Senator Tallmadge is willing to descend from the Senate to the New York Custom House? This is yet a secret, but it is true!" Crittenden was better disposed toward the spoilsmen at the close of January, when he said

in a private letter: "I begin already to perceive that even he who has power to dispose of all the offices is only made to feel more sensibly the poverty of his means to satisfy the just claims of his friends. Although as yet it does not seem to me that any extraordinary avidity for office has been disclosed, yet I must confess that the number of claimants far surpasses my expectation." Clay declared that the demands made upon him were beyond reason, and that if the day contained forty-eight hours he could not attend to them all. After Crittenden had been little more than a week in office, his views had undergone a change, and he declared: "We are laboring along and endeavoring to keep the peace among the office seekers; but nothing less than a miracle could so multiply our offices and patronage as to enable us to feed the hungry crowd that are pressed upon us."

The president's habit of careless exposure brought its penalty. During one of his early morning walks he contracted pneumonia, which rapidly assumed an aggravated character. On April 4th, just one month after his inauguration, President Harrison succumbed. As his spirit was about to separate from his mortal fame, with the last strong rise of vitality he gave expression to an incoherent utterance, as if laying upon someone a last wish, which showed the honest purpose of his nature: "Sir, I wish you to understand the true principles of the government; I wish them carried out; I ask nothing more." The death of President Harrison evoked even from political opponents warm tributes to his goodness and sincerity. It was the first time that death had invaded the White House. On April 7th, the body of the president was borne from the White House to its resting place in the Congressional burying ground. Later it was removed to his family home at North Bend, Indiana, close to the Ohio's bank. Henry A. Wise, of Virginia, says that by his death "Heaven saved him from the fate of Actæon; for, had he lived until Congress met, he would have been devoured by the divided pack of his own dogs." The criticism does not

do justice to the qualities of Harrison as an administrator or as a conciliator. He was in every sense the friend of the people, and the people realized it. Public opinion had warmly endorsed him. The country at that time had men greater than Harrison, but not one of them could have been as safe, as satisfactory, and as judicious an executive as he had given promise of being.

John Tyler was the tenth president of the United States. He was born in Charles City, Virginia, in 1790, and had been given all the educational advantages which were available for a boy and young man at that time. In 1807, he was graduated from William and Mary College, and two years later began the practice of law. Even before his twenty-first year he was nominated to the State legislature but refused to serve until he had obtained his majority. From this time until his death John Tyler was constantly in the service either of his native State or of the Union, serving as a State senator, two terms as governor, and as a United States senator. He was elected president *pro tempore* of the Senate in 1835, but the following year he resigned his seat in the Senate and returned to service in the State legislature. Thence he was called to become the candidate for the vice-presidency.

Tyler was not in Washington when President Harrison died. In the absence of the vice-president, the Cabinet announced to the country the death of the president, and despatched a messenger of state to give the new president that official information which would show the necessity of his presence at the seat of government. Tyler hastened to Washington, where he took the oath of office, which was administered by the chief justice of the Circuit Court of the District of Columbia. He retained the Cabinet of his predecessor. Upon assuming the reins of government, President Tyler issued an address to the people of the country. In the light of his later break with his party, it is noteworthy because of its evident criticism of President Jackson and President Van Buren. The paragraph is as

follows: "In view of the fact, well vouched for by history, that the tendency of all human institutions is to concentrate power in the hands of a single man, and that their ultimate downfall has proceeded from this cause, I deem it of the most essential importance that a complete separation should take place between the sword and the purse. No matter where or how the public moneys shall be deposited, so long as the President can exert the power of appointing and removing, at his pleasure, the agents selected for their custody, the commander-in-chief of the army and navy is in fact the treasurer. A permanent and radical change should therefore be decreed. The patronage incidental to the presidential office, already great, is constantly increasing. Such increase is destined to keep pace with the growth of our population, until, without a figure of speech, an army of office holders may be spread over the land. The unrestrained power exerted by a selfishly ambitious man, in order either to perpetuate his authority or to hand it over to some favorite as his successor, may lead to the employment of all the means within his control to accomplish his object. The right to remove from office, while subjected to no just restraint, is inevitably destined to produce a spirit of crouching servility with the official corps, which, in order to uphold the hand which feeds them, would lead to direct and active interference in the elections, both State and Federal, thereby subjecting the course of State legislation to the dictation of the chief executive officer and making the will of that officer absolute and supreme." The new president also gave warning in his address of his dissatisfaction with the state of the currency in the words: "I shall promptly give my sanction to any constitutional measure, which, originating in Congress, shall have for its object the restoration of a sound circulating medium, so essentially necessary to give confidence in all the transactions of life, to secure to industry its just and adequate rewards, and to reestablish the public prosperity. In deciding upon the adaptation of any such measure to the end proposed, as well as

its conformity to the Constitution, I shall resort to the fathers of the great republican school for advice and instruction, to be drawn from their sage views of our system of government and the light of their ever glorious example." This reference was suspected by the Democrats as indicating a desire for the reëstablishment of a national bank. Upon his election as vice-president the country was satisfied that it was placing in the office a man who would preside with credit and dignity over the Senate, but there had been little anticipation that he was to fill the office of chief executive of the nation.

The death of Harrison left the country with the youngest president it had yet had, for Tyler was but fifty-one years of age when he took up his abode at the White House. This latter fact was not a circumstance against his fitness, for long and varied political training might be counted upon to prevent his committing such errors as would be likely to result from immaturity. But President Tyler stood upon the marginal line of political availability. He was not sound enough in the faith for the Whigs to have considered him as a presidential possibility. Just as well he might have answered the needs of the Democrats. The one steadfast principle of Tyler's political character was his thorough advocacy of States Rights. He was out of sympathy with Northern society, and could not comprehend the attitude of that section toward questions of national importance. He was a thorough Southern sympathizer and the Whigs, in recalling his political record, were rendered uneasy by his utterance at the time the Missouri question was under discussion: "Do you believe that Southern bayonets will ever be plunged in Southern hearts?" They remembered his opposition to the right claimed for Congress to prohibit slavery in the Territories. They recalled his action in 1833, when in the face of South Carolina's revolt he cast the single vote in the Senate against the bill for vindicating the supremacy of the Union. They did not forget, and the recollection caused them much uneasiness,

that the estrangement of Tyler from the Democratic party was brought about by Jackson's determined attitude against attempted nullification by South Carolina. The aim of Tyler which influenced the whole of his administration was a desire to be returned to the White House by the votes of the people. In his path stood Clay, the man who complained that during all the years of their friendship Tyler had never voted for a measure which he had advocated.

Tyler had not been long in the White House before he gave ample evidence of his provincial rather than national sympathies. He was soon found in close relations with the Virginia representatives and with other prominent men of that State not in the public service. These men, of whom Thomas W. Gilmer, Abel P. Upshur, Beverly Tucker, and Henry A. Wise were the most prominent, exerted their influence upon the president to induce him to reorganize his Cabinet, to set aside the recognized leaders of his party and to alter the whole Whig programme. They held out to him the prospect of advancing his own ambition by pitting against each other the two great rivals, Clay and Webster, so as to bring about the destruction of both.

The inevitable collision with Clay came about soon after the assembling of Congress. That statesman had determined that the president should not, by virtue of an act of Providence, take to himself the party leadership of which Clay would have been assured had Harrison lived. He had drawn up his own plan of administrative measures for the extra session of Congress. Not finding a more satisfactory financial plan with which to oppose the sub-treasury scheme, Clay had turned again to the national bank as the solution of the currency problem. Tyler had committed himself in his campaign speeches and his inaugural letter to currency reform. Before the close of the extra session of April and May, the president had formulated a financial scheme to submit to Congress at its regular session. On April 30th, Clay addressed a letter to Tyler in order to discover what

were his views upon the principal subjects. To this inquiry Tyler replied that he had no mature plans, but that he regarded the repeal of the sub-treasury law as inevitable and the "relief of the treasury" might force the assumption of "additional burdens." He also thought that some attention might profitably be given to military defences. As for other measures, it would be necessary for Congress to decide which should claim its attention. Among these, was the question of the revenues from public lands, which he thought should be distributed only if appropriations for rivers and harbors were abandoned. He asked Clay to consider whether he could frame a plan for a bank which would be in accordance with the Constitution. "On the whole," he said, "he was prepared to allow Congress to have free scope with the public business and to govern his attitude upon particular measures according to their character."

On June 1st, President Tyler sent his message to Congress. He discussed public business in much the uncertain vein that had distinguished his letter to Clay. He advised that the tariff should not be debated for the present. He advocated the repeal of the sub-treasury legislation and the substitution for it of a "suitable fiscal agent," the nature of which he but vaguely defined. There was an intimation in the message that he expected to avail himself of his veto privilege should the occasion arise. Upon the matter of the Federal assumption of State debts his observations were as follows: "And while I must repudiate, as a measure founded in error, and wanting constitutional sanction, the slightest approach to an assumption by this government of the debts of the States, yet I can see in the distribution adverted to much to recommend it. The compacts between the proprietor States and this government expressly guarantee to the State all the benefits which may arise from the sale. The mode by which this is to be effected addresses itself to the discretion of Congress as the trustee for the States, and its exercise after the most beneficial manner

is restrained by nothing in the grants or in the constitution so long as Congress shall consult that equality in the distribution which the compacts require. In the present condition of some of the States, the question of distribution may be regarded as substantially a question between direct and indirect taxation. If the distribution be not made in some form or other, the necessity will daily become more urgent with the debtor States for a resort to an oppressive system of direct taxation, or their credit, and necessarily their power and influence, will be greatly diminished. The payment of taxes, often the most inconvenient and oppressive mode, will be exacted in place of contributions for the most part voluntarily made, and therefore comparatively unoppressive. The States are emphatically the constituents of this government, and we should be entirely regardless of the objects held in view by them, in the creation of this government, if we could be indifferent to their good. The happy effects of such measure upon all the States, would immediately be manifested. With the debtor States it would effect the relief to a great extent of the citizens from a heavy burden of taxation, which presses with severity on the laboring classes, and eminently assist in restoring the general prosperity. An immediate advance would take place in the price of the State securities, and the attitude of the States would become once more, as it should ever be, lofty and erect. Whether such distribution should be made directly to the States in the proceeds of the sales, or in the form of profits by virtue of the operations of any fiscal agency having those proceeds as its basis, should such measure be contemplated by Congress, would well deserve its consideration." The programme of recommendations of this message may be summarized as follows: "Aid to the family of General Harrison; a bank under the name of fiscal agent; a national paper currency; a distribution of the land revenue; and provision for the payment of State debts." Although the wording of the message was not particularly clear, it was evident to statesmen, both

Democrats and Whigs, that the intent of the message was the establishment of a national bank, and the treasury report which accompanied the message of the president distinctly proposed that measure.

In the first week of the session, Clay submitted to the Senate a resolution enumerating the particular subjects which he conceived it would be well for Congress to limit itself to at the extra session. These were, first, the repeal of the sub-treasury bill; secondly, the incorporation of a bank adapted to the wants of the people and of the government; thirdly, the making of some provision for raising adequate revenues by means of new duties and temporary loans; fourthly, preparing for distribution among the States of the proceeds of the sale of public lands; fifthly, the passage of necessary appropriation bills; and lastly, the making of some modification of the banking system in the District of Columbia. The presumption of Clay in making a declaration of policy for the administration was not cordially received in all quarters. There were a number of notes of dissent from Tyler's personal following, and Caleb Cushing, a friend of Webster, took occasion to say in the House that he recognized no administration but that of John Tyler.

The repeal of the sub-treasury act was placed first on the Senate calendar. All the leading Whigs were committed to this measure, and it passed both Houses and received the president's signature. Having destroyed the independent treasury, it now became necessary to devise something to take its place. Clay now entertained high anticipation of the incorporation of a new United States Bank. The secretary of the treasury in his report to Congress had recommended the establishment of a bank as the fiscal agent of the government, with a capital of thirty million dollars. It was to be incorporated in Federal territory, —the District of Columbia,—with its branches in the States that desired them. Clay, as chairman of the Committee on Finance and of a special committee on the bank question, was in a position to direct legislation upon these important

matters. He reported a bill from his committee for the establishment of the Fiscal Bank of the United States. His bill harmonized with the recommendations of Secretary Ewing in all particulars except that he did not leave the establishing of the State branches to the assent of the States affected. As it was certainly known that the president would not affix his signature to a bill without that provision, it was added in the form of an amendment. So amended the bill passed, but without polling the full vote of either house.

The action of the president was awaited with great concern. It was well known that he deprecated legislation on this important subject at the extra session, and it was also understood that he could not be pleasantly disposed toward Clay's action in anticipating an administration measure by one of his own. But Tyler had not been able to formulate a plan for a system which would not conflict with his record or with his principle of State supremacy, and Clay's proposition, having been advanced, had to be met. The Whigs saw with concern their president holding conferences with the leaders of the opposition, and they sent delegations to the White House to plead with him in behalf of the measure. The president's denial of his party was evidenced immediately by his veto. In returning the bill with his veto, the president reminded Congress that he had opposed the assumption by it of the power to establish a national bank which would of itself operate over the Union. He added that the people had elected him vice-president with full knowledge of the opinions he entertained upon this subject. He declared that his chief objection to the bill lay in that feature of it which assumed the assent of the States to the establishment of branches within their borders unless they specifically objected. The Whigs were dismayed at this action, but the Democrats were even extravagant in their demonstrations of approval.

The Senate debated, and delayed action upon the president's veto; but on August 19th, by a vote of twenty-five

to twenty-five, it refused to pass the bank bill without his approval. The Whigs employed every effort to heal the breach between Congress and the administration. On the day that the vote was taken, Clay recalled the compliant terms of the president's inaugural address and contrasted with his present course his profession of willingness to let Congress have a free hand in matters of legislation. He arraigned the president for permitting himself to come under the influence of a personal cabal, a "kitchen cabinet." He desired to know whether Virginia was the only State to have influence with the administration. To these reproaches Rives made reply that the rumor he had heard pointed to a dictatorship at the capitol seeking to govern the country and to intimidate the president.

It was difficult to bring about an adjustment of the differences between the president and his party on account of the president's lack of definite ideas upon the subject in dispute. He had no plan to propose to Congress as a substitute for the one he had rejected. The discussion over the matter resolved itself into a refinement of constitutional rights. Rives proposed a plan, and the president declared that if they would send him a bill drawn upon those lines he would sign it within twenty-four hours. The cardinal idea of the Rives plan was that branch offices of the national bank might carry on foreign exchange, but not local discount business, without State provision, if there was Congressional sanction for their so doing. The whole scheme was cloudy, vague, and difficult to understand. Nevertheless, on August 18th and 19th, a bill was prepared which "cut down the capital to twenty-one millions of dollars, provided for local agencies instead of offices for discount and deposit, and limited the branch dealings to foreign and inter-State bills of exchange." Webster and Ewing, at the desire of President Tyler, had assisted in framing this measure, and the president had distinctly affirmed that the idea of an exchange bank met his approval. This bill was prepared with so scrupulous a regard for the president's strong



Samuel Jones Tilden. *From an early photograph.*

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constitutional sentiments that the word "corporation" was substituted for "bank." On August 20th, this bill for a Fiscal Corporation was introduced by Representative Sergeant and was passed by the House three days later. In the Senate, as had been the case in the House, the presidential party tried in every way to defeat the bill. Rives was foremost in opposing it. He was ably seconded by Calhoun and, of course, by the Anti-Bank Democrats. Nevertheless, the select committee to which it was referred reported it with approval and Clay gave it his support, although he did not regard it as the best measure that could have been prepared. The very fact that Clay supported it gave occasion for unfounded suspicions that it would be distorted into a measure for the establishment of some such bank as the Clay faction of the Whigs had demanded. Webster gave his counsel to the president and between them they made an earnest effort to have the troublesome measure laid over for the session. The Clay faction, however, determined to bring it to a vote. They not only succeeded in doing this, but in having it pass the Senate unmodified by amendments. Once more the bill was sent to the president. After six days' deliberation, on September 9th, he returned the Fiscal Corporation Bill to the House with a veto. He maintained that his action was dictated by conscientious regard for his constitutional views and the oath to uphold the Constitution in every particular. On September 10th, an attempt was made to get the necessary two-thirds vote to carry the measure over the president's veto. But again the Whigs were balked by the efforts of the president's followers. Once more had President Tyler's animosity toward Clay and his desire to curtail that statesman's influence led him to humiliate his party and promote defection and disorder within its ranks.

On the evening of the day when Tyler's second veto appeared, the members of the Cabinet were invited to meet at the home of Secretary of the Navy Badger for consultation. Clay was to be present. As the Cabinet had held

over from Harrison's administration and Clay had been influential in its appointment, four members of it could be counted upon to do his bidding. At this conference, from which Webster absented himself, it was agreed that the members should resign their places on Saturday, September 11th. Congress had resolved to adjourn on Monday, the 13th. Although their resignations had been decided upon, there is no doubt but that Tyler had reached the decision to reform his Cabinet, and had the members not resigned they would have been dismissed. Webster was an exception, and he decided that if he could he would retain his place. When the president received Ewing's letter of resignation Webster was with him, and John Tyler, Jr., who was his father's private secretary, has left the following account of what transpired: "He [Webster] then, in his deep-toned voice, asked: 'Where am I to go, Mr. President?' The president's reply was only in these words: 'You must decide for yourself, Mr. Webster.' At this Mr. Webster instantly caught, and said: 'If you leave it to me, Mr. President, I will stay where I am.' Whereupon President Tyler, rising from his seat and extending his hand to Mr. Webster, warmly rejoined: 'Give me your hand on that; and now I will say to you that Henry Clay is a doomed man this hour.'"

While the president and Webster were scheming for the downfall of their antagonist, that politician was planning to deprive Tyler of the support of the Whig party. The confidence of the Whigs had been shaken by the president's first veto. His second had made the chasm between them yet wider. September 11th saw the resignations of Ewing, Bell, Badger, and Crittenden. Crittenden contented himself with phrasing his resignation in general terms. The others, within a few days after their resignations, sent to the press exhaustive statements of the reasons which influenced them. In these statements they declared that the lack of political integrity displayed by Tyler made it impossible for them to remain longer in his counsel. They

averred that the mere fact of a difference with the executive upon the expediency or constitutionality of a bank would not of itself have led them to take so radical an action. Webster, however, saw in the concerted action of the Cabinet officials a plot to force the people to a choice between Clay and Tyler. Accordingly, Webster, in a statement to the representatives of Massachusetts in explanation of his remaining in the Cabinet, declared that in the situation itself there was nothing to call for his resignation, yet he would be governed in his action by them. They were unanimous in desiring Webster to continue in the Cabinet. Adams was influenced in so advising him because of the controversies pending with Great Britain, in the settlement of which Webster's abilities were needed. This is so stated by John Quincy Adams in his memoirs: "He [Cushing] knew that my advice to Mr. Webster to retain his place last September . . . was founded exclusively on the belief that Mr. Webster's signally conciliatory temper and disposition towards England was indispensably necessary to save us from a most disastrous and calamitous war upon that wretched question about the State right of New York to hang McLeod." The continuance of Webster in the Cabinet tended to moderate somewhat the expressions of the Northern Whigs concerning Tyler's betrayal of the party, but there were no such restraints resting upon the Whigs elsewhere. Especially in the West there was no doubt that Tyler's political career was about to close.

On September 13th, Congress adjourned, but, before leaving Washington about seventy members of the Whig party met in a caucus and prepared a "manifesto." This address set forth the general principles of the party and stated the necessity of keeping up party lines and party distinctions. It then set forth the matters which the Whig party had sought to promote during the twelve years of its existence and continued: "We are constrained to say that we find no ground to justify us in the conviction that the

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veto of the president has been interposed on this question [the financial bills] solely upon conscientious and well-considered opinions or constitutional scruples as to his duty in the case presented. On the contrary, too many proofs have been forced upon our observation to leave us free from the apprehension that the president has permitted himself to be beguiled into an opinion that, by this exhibition of his prerogative, he might be able to divert the policy of his administration into a channel which should lead to new political combinations, and accomplish results which must overthrow the present divisions of party in the country, and finally produce a state of things which those who elected him, at least, have never contemplated. We have seen from an early period of the session, that the Whig party did not enjoy the confidence of the president. With mortification we have observed that his associations more sedulously aimed at a free communion with those who have been busy to prostrate our purposes, rather than with those whose principles seemed to be most identified with the power by which he was elected. We have reason to believe that he has permitted himself to be approached, counselled, and influenced by those who have manifested least interest in the success of Whig measures. What were represented to be his opinions and designs have been freely and even insolently put forth in certain portions, and those not the most reputable, of the public press, in a manner that ought to be deemed offensive to his honor, as it certainly was to the feelings of those who were believed to be his friends. In the earnest endeavor manifested by the members of the Whig party in Congress to ascertain specifically the president's notions in reference to the details of such a bill relating to a fiscal agent as would be likely to meet his approbation, the frequent changes of his opinion, and the singular want of consistency in his views, have baffled his best friends, and rendered the hope of adjustment with him impossible." The manifesto continued by discussing particularly the relation of the president to the



John Tyler. *From the painting by G. P. A. Healy in the Corcoran Gallery, Washington, D. C.*

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plan of an Exchange bank and declared that by his conduct the great fruits of a victory crowning twelve years of effort had been thrown away. Those responsible for the manifesto, practically all the Whigs at the seat of government, declared further their repudiation of Tyler's official course and the mortification it had given them. Their words in this connection were that from that day "those who brought the president into power could no longer, in any manner or degree, be justly held responsible or blamed for the administration of the executive branch of the government." Although they disclaimed responsibility for the acts of the executive, they nevertheless declared it to be "the duty of the Whigs, in and out of Congress, to give to his official acts and measures fair and full consideration, approving them and coöperating in their support when they could, and differing from and opposing any of them only from a high sense of public duty." Although this action was taken by the extreme element of the Whig party, there was no objection raised to it and it thus became a declaration of the party's position. The only modification which this statement may need is that afforded by two objections against the action of the Whig caucus which were advanced by some members of the party. These were that the action was precipitate and that more time should have been given the president to develop his policy before it was brought to final judgment; and that it was bad party policy to drive the president into the ranks of the opposition, carrying the patronage with him. These considerations, however, gained in potency and the party was more under the guidance of the moderate Whigs from among whom Tyler chose his second Cabinet.

Little time between the resignation of the Cabinet and the adjournment of Congress—September 11th to September 13th—was allowed the president in which to select a new Cabinet. But not only did Tyler succeed in filling the offices, but when the new advisers gathered about the table of counsel the group represented a high average of ability.

In addition to Webster, who retained the portfolio of state, the new Cabinet was as follows: Walter Forward, of Pennsylvania, secretary of the treasury; Abel P. Upshur, of Virginia, secretary of the navy; Charles A. Wickliffe, of Kentucky, postmaster-general; Hugh S. Legaré, of South Carolina, attorney-general; John C. Spencer, of New York, secretary of war. Justice McLean had been tendered the war portfolio, but had declined. Spencer was an early associate of Tyler in Congress, and was a man of high reputation for honor and energy. Forward had first been comptroller of the treasury, to which office he had been appointed by Harrison. Legaré was a classical scholar and had been trained in the best schools of Europe as well as those at home. He was a jurist of widely recognized ability, well versed in law. Wickliffe was a man of character, but of no especial strength. Upshur was a member of the Virginia cabal, and was expected to fill Webster's place when that statesman might leave the Cabinet. In the appointment of his official advisers, President Tyler had disappointed the expectations of his party that he would take the radical step of surrounding himself with Democrats. He had as fully disappointed the hopes of the Democrats in this regard. The Cabinet, as a whole, represented moderation, even conservatism.

The first trumpet of the next campaign was sounded in October, 1841, by the Whig convention of New York State. It was held at Syracuse, and Henry Clay was nominated for president. National questions entered into the fall campaign in a number of the States by reason of the prominence given to Tyler's contravention of his party's will. President Tyler was burned in effigy, and throughout the North he was execrated as the Benedict Arnold of politics. Despising the patronage which President Tyler held in his hands and which represented the fruits of a twelve years' contest for victory, the host of the Whigs deserted the commander who had betrayed his party. It was a curious spectacle, that of a party going before the electorate of the States and asking

suffrage upon the plea of their indictment of their own president. The Whigs in the State elections secured votes upon claims to consideration in casting loose the ties of Tyler. But their ingenious appeal could not stem the adverse tide, for even while they held out their hands supplicating continued support, Maine, Georgia, and Maryland slipped from their grasp. The desertion of the Whigs was the popular response to the indictment of their president. For the fall elections not to have recorded an adverse decision would have been tantamount to an endorsement of his course. The president, himself, could not be faithless and the party be preserved from the consequence of his action. President Tyler, however, failed to read the signs of the times. He regarded himself as a martyr and summoned the resources of his nature to display a becoming fortitude in the face of trial. In the midst of abuse Tyler maintained equanimity. "My pulse," he wrote for the press, "has kept healthful music; the light reflected from burning effigies has only served to render the path of duty more plain." The Democrats were delighted at the turn of the political tide, and both Jackson and Van Buren congratulated Tyler upon his vetoes, but neither they nor any other leaders intimated that the Democracy would rally to his standard. He stood in political isolation and party ostracism, although Webster and Caleb Cushing continued to be his stalwart defenders in the public press.

Following the State elections, the Twenty-seventh Congress convened on December 6, 1841, for its second session. It did not adjourn until August 31, 1842. The leading measure of the session was a new tariff law. It was intended to make sufficient provision for the public revenue as well as to afford protection to American manufactures. The message of the president directed to the Congress on December 7, 1841, declared in favor of "discriminating duties" as opposed to the uniform *ad valorem* duties then in effect. But he added that he trusted that it would not be necessary to exceed the limit of twenty-five per cent fixed

by the compromise act. This act was that of March 2, 1833. In his first message of June 1, 1841, the president had declared that this act "should not be altered, except under urgent necessities, which are not believed at this time to exist." Thus the president had advanced a step along his line of cautious tampering with that precious bit of legislation. The fact was that despite his attempt to preserve the so-called compromise act in its essential integrity, that measure was a failure. The report of the secretary of the treasury, which followed soon after the president's message, was couched in the same cautious form. But the measure of 1833 could not be fortified by mere verbiage, and could only be made efficient by radical changes. The report of the secretary stated that "the great principle of that act was moderation and conciliation, and this should never be lost sight of. But the measures proper and necessary to carry out that principle may be changed if the altered circumstances of the country called for such change, without any departure from the principle itself." It then set forth the principle of tariff for revenue only and stated that in many cases twenty per cent would be sufficient. It concluded as follows: "But he [the undersigned] still supposes that there are several descriptions of imported manufactures and produce which would bear a higher duty than twenty per cent upon the home value, and thus yield a greater revenue to the government, while, in regard to some of them, it will be found that, without such increased duty, the labor of large classes engaged in producing similar articles will be greatly depressed if not entirely supplanted."

Congress did not take immediate account of the president's recommendations, and President Tyler, on March 25, 1842, counselled it to expedition. He declared that the necessity of providing the government with the means of discharging its obligations and preserving the public faith was not a matter of mere party concern. "For," said he, "the condition of the country, indeed, is such as may well arrest the conflict of parties. The conviction seems at

length to have made its way to the minds of all, that the disproportion between the public responsibilities and the means provided for meeting them is no casual nor transient evil. It is, on the contrary, one which, for many years to come, notwithstanding a resort to all reasonable retrenchments and the constant progress of the country in population and productive power, must continue to increase under existing laws, unless we consent to give up or impair all our defences in war and peace." Such an important and involved matter as adjusting the tariff to the needs of the government could not be lightly or rapidly undertaken, so that it was yet two months before the matter was sufficiently digested by the Committee on Ways and Means for a bill to be introduced into the House. This was done on June 3, 1842. The committee did not conceive it possible that the bill should become operative before the end of the month. On June 7th, it introduced a "provisional tariff bill," which had but twenty-three days in which to pass both branches of Congress and receive the president's approval, if the day fixed by the compromise act should not arrive and find the country "unprepared to carry out the far-reaching changes in relation to the imposition and levying of taxes." The president had pointed out in his first annual message that "some of the provisions of the compromise act, which will go into effect on the 30th day of June next, may, however, be found exceedingly inconvenient in practice, under any regulations that Congress may adopt." The prevalent opinion in Congress was that the compromise act under the clause, "And from and after the day last aforesaid [June 30, 1842], the duties required to be paid by law on goods, wares, and merchandise, shall be assessed upon the value thereof at the port where the same shall be entered, under such regulations as may be provided by law," made it inadmissible to levy duties after that date unless authorized by new legislation. This construction was approved by the secretary of the treasury, who said: "If Congress shall not at this session prescribe regulations for assessing duties upon

a valuation to be made at the port of entry, or pass some law modifying the Act of 1833, it may well be questioned whether any *ad valorem* duties can be collected after the 30th of June. The language of the law seems explicit." This was the exigency which the national legislature faced and which the president feared. Why did not Congress speedily pass the provisional act? Was it not evident that some measure of the sort was an absolute necessity?

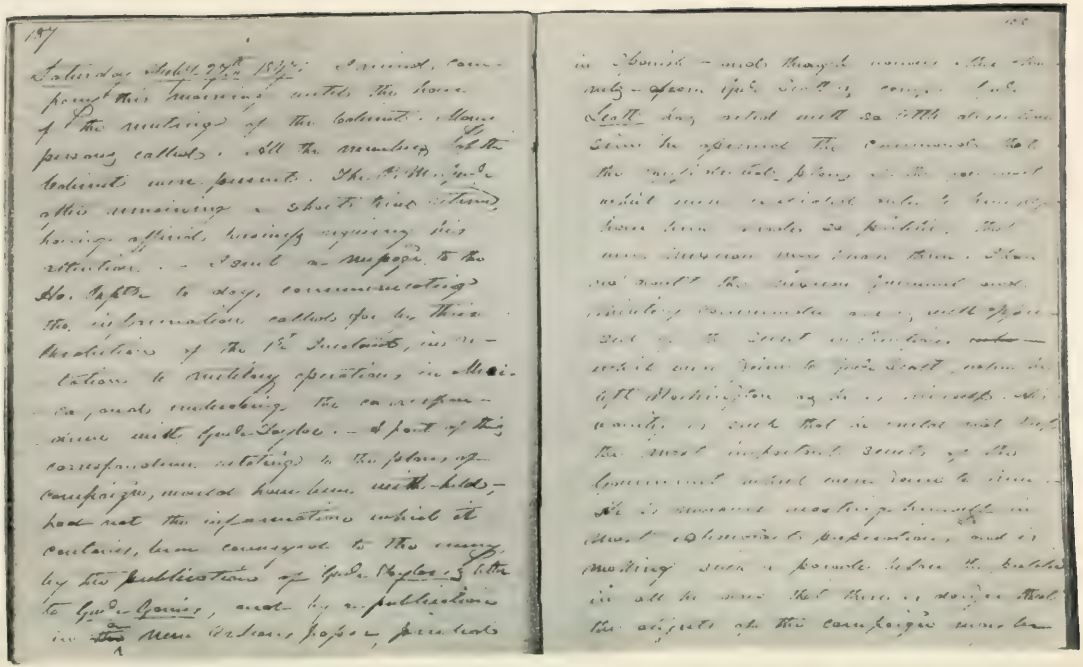
If tariff had been the only matter of party concern, the Whigs might have been as ready as the president to provide it, but there was another important matter before the political leaders. Under the law, the date September 4, 1841, marked the time when the sales of the public lands were to cease, in the event of the duties being at that time in excess of the maximum fixed by the compromise act. Thus the fate of one measure depended upon the other. This clause of the compromise act was purely conciliatory in character. It had been inserted in the compromise in order that the bill might receive the sanction of the Senate and of the president. The tardiness of the present Congress in adopting a provisional revenue measure was due to its desire to force President Tyler to yield this clause of the compromise act. The provisional tariff bill went beyond the maximum of the compromise act and met the requirements of the distribution clause by suspending the distribution until August 1st, although there was no promise made that the duties would be reduced to, or below, the maximum for the same term, and certainly no such accommodation of the permanent tariff to the compromise act was ever contemplated. On June 27th, just three days before the going into force of the last provisions of the compromise act, the provisional tariff bill passed the House. One day before that event, Tyler returned it with his veto. He set forth the reasons for his veto, in part, as follows: "It suspends—in other words, abrogates for the time—the provision of the act of 1833, commonly called 'the compromise act.' The only ground on which this departure from the solemn

adjustment of a great and agitating question seemed to have been regarded as expedient is the alleged necessity of establishing, by legislative enactment, rules and regulations for assessing the duties to be levied on imports after the 30th June, according to the home valuation, and yet the bill expressly provides, that 'if, before the first of August, there be no further legislation upon the subject, the laws for laying and collecting duties shall be the same as though this act had not been passed.' In other words, that the act of 1833, imperfect as it is considered, shall, in that case, continue to be, and to be executed as law, under such rules and regulations as previous statutes had prescribed, or had enabled the executive department to prescribe for that purpose, leaving the supposed chasm in the revenue laws just as it was before." The president set forth that the "act of September last" provided for the distribution, coupled with the condition that it should cease only in case of war or when duties should for any reason whatever be raised above twenty per cent. He declared that the provisional tariff bill violated the principle of the acts of 1833 and of September, 1841, by suspending the first and rendering the other for at least the time being inoperative. Said he: "Duties, above twenty per cent, are proposed to be levied, and yet the proviso in the distribution act is disregarded; the proceeds of the sales are to be distributed on the first of August, so that while the duties proposed to be enacted exceed twenty per cent, no suspension of the distribution to the States is permitted to take place. To abandon the principle for a month, is to open the way for its total abandonment." He further pointed out that the bill assumed that a distribution of the proceeds of the public lands was to be made on the first day of July, 1842, notwithstanding the fact of the imposition of duties on imports exceeding twenty per cent up to that day, and directed it to be made on the first of the proximate August. He declared that this conclusion was erroneous and dangerous, because it would divert from the treasury "a fund sacredly pledged for the general purpose

of the government, in the event of a rate of duty above twenty per cent being found necessary for an economical administration of the government." Before returning the bill, with his veto, the president had obtained from the attorney-general a favorable opinion upon his query as to whether without a new law the duties might still be levied according to the compromise act. The action of the president was not unforeseen by the House, but the return of the tariff bill vigorously emphasized the variance between the executive and the leaders among the national legislators.

The contest fundamentally was not one of measures but of men, and it was the purpose of the legislature to force the executive from his position of practical initiative. Congress took up the wage of battle with the president and the House was treated to a display of forensic declamation in which the execration of the president for his persistent use of the veto power was the prevailing theme. The year before, on August 19, 1841, Clay had struck at the root of the difference between the president and Congress when he declared that the Constitution should be so amended as to constitute a majority of both Houses of Congress sufficient to annul the presidential veto, as, although the veto power was in its nature conservative, it could be made to operate for the arresting of the enactment of good laws. On December 29th, Clay introduced a resolution into the Senate in accordance with his views upon the limitation of the veto, and added the further proposition that henceforth the "secretary of finance and the treasury of the United States" should be annually appointed by Congress and not be subject to removal by the president. Clay's resolutions were undoubtedly for popular effect as there was no prospect of their receiving the constitutional two-thirds vote of both houses of Congress necessary for the passage of an amendment to the Constitution.

However, the discussion upon the president's right of veto had the effect of bringing the tariff question to a vote without needless delay. On July 16th, it passed the House



Pages of Polk's Diary referring to the vanity and indiscretion of General Scott. *From the originals in possession of the Chicago Historical Society.*

by a vote of one hundred and sixteen in favor and one hundred and twelve against, and was sent to the Senate, where it was endorsed by a vote of twenty-five against twenty-three. The distribution clause went with the measure. This measure represented the second attempt to secure executive approval of the position of Congress, but in spite of Clay's menace of curtailing the power of the president, Tyler was inflexible. On August 9th, this bill was vetoed. Again the House was thrown into a passion, and the president's message of veto was referred to a committee with Adams at its head. Tyler was thus brought to the judgment seat before the venerable statesman whose words were respected alike by friend and foe as the utterance of a man of clear convictions and profound political discernment. The committee reported in favor of a constitutional amendment along the lines of Clay's resolution. This proposition was endorsed by a vote of ninety-eight to ninety. The report reviewed in particular the sins of Tyler and took him severely to task for crippling legislation by the intemperate use of the veto power. The general feeling of the Whigs in the House with regard to Tyler's action was well expressed by Stuart, of Virginia, who declared that the honor of the House was at stake. "Never," said he, "in the mother country, had an instance been known of a bill of supply being vetoed—not even by the Tudors. . . . If there were men of any party ready to succumb to such dictation, and to go home made by their own acts slaves, he would not be found among such men. If it was necessary, he would not only say perish commerce, perish credit, but let the government fall to pieces, and the Union be dissolved, sooner than he should sanction, by his act, any measure which would abrogate the independence of the people's representatives."

In opposing Congress upon the tariff question once again, President Tyler was not, as his opponents asserted, seeking directly to promote his executive authority. His action was justified both by the Constitution and his own

convictions. While the Constitution expressly stipulated that "all bills for raising revenue" should originate in the House, and consequently Tyler's action on the face appeared to be at least a breach of the prerogative of Congress, nevertheless, the measure of distribution relieved his course from much of the odium that would otherwise have attached to it. In allying a question representing a fixed policy of the government with an expediency measure, the Whigs themselves were not treating the question with the frankness and seriousness to which its status gave it claim. Nor were they justified in their course by the allegation made in some quarters that the distribution of the proceeds of the sale of public lands had been kept out of the compromise of 1833 by political trickery. It was now generally acknowledged that only the exigencies of the financial situation could justify the ignoring of the provisions of the distribution act of September 4, 1841. And yet it was equally recognized that a continuance of the distribution could only result in a greater final deviation than that which the conditions now demanded.

Whatever may be said of the culpability of Tyler in connection with the exercise of the veto power, it was Congress itself that brought disaster upon the measure. Clay and his associates had deliberately allied the fate of the act of September 4, 1841, with the tariff bill, determined that if Tyler defeated the one the other must be involved in its fate. They had little ground for complaint when the executive, rather than endorse a measure which bore about it the marks of a political trick, cast it aside even at the risk of the total failure of tariff legislation for the session. The president had given warning that the country was on the point of bankruptcy for the want of a revenue producing measure.

The loss of the opportunity to test their programme in its entirety was a bitter experience for the Whigs, especially as the only obstruction in their way was their own president. The defeat of the Whigs in their second battle with the president upon the tariff issue brought them into the

closing contest of the campaign in a different frame of mind; not that they viewed differently the situation but they were prepared to make that concession without which they had found Tyler's opposition to be impregnable. The man who had dared to use the veto power as no president before him had thought of doing was a man who could not but command consideration.

After one or two more passages at arms between Tyler and the House, Millard Fillmore, on August 18th, moved the adoption of the tariff bill minus the distribution clause. The vote was one hundred and fourteen against eighty-six. On August 27th, the Tariff Act without the distribution clause was passed by the Senate. Three days later it received the signature of the president. The victory of Tyler was aided by the fact that there were a number who were not willing to bear the responsibility for the continued insufficiency of the national resources, and the Democrats especially opposed the further frustration of financial relief. It is interesting to consider the comment of Webster upon the issue of the conflict. He says: "It is not true that a majority, composed of Whigs, could be found, in either house, in favor of the tariff bill. More than thirty Whigs, many of them gentlemen of leading influence, voted against the law, from beginning to end, on all questions, direct and indirect; and it is not pleasant to consider what would have been the state of the country, the treasury, and the government itself, at this moment, if the law actually passed, for revenue and protection, had depended on Whig votes alone. After all, it passed the House of Representatives by a single vote. . . . And how was it in the Senate? It passed by one vote again there, and could not have passed at all without the assistance of the two Senators from Pennsylvania, of Mr. Williams, of Maine, and of Mr. Wright, of New York. Let us then admit the truth, . . . that it was necessary that a large portion of the other party should come to the assistance of the Whigs to enable them to carry the tariff, and

that, if this assistance had not been rendered, the tariff must have failed."

Aside from the questions immediately involved, the conflict of the session of 1841–1842 is noteworthy for the dissolution of party allegiance on the part of many persons, both Democrats and Whigs. Significant indeed was this interchange of votes between the parties upon a party question. Significant, especially, in view of the coming elections. But the Whig party did not learn the lessons of adversity, for in the ratio of its declining power, the dissensions within its ranks increased. Webster himself came under the common judgment passed upon Tyler. When the important work for which his presence in the Cabinet was needful had been accomplished, with the signing of the Ashburton Treaty on August 9, 1842, the clamor against him as a "traitor" became ominous. Nevertheless, Webster deliberately chose to remain at the side of the president, and the verdict of his party was that he should be repudiated.

The postponement of tariff revision following upon the bank veto had had a most serious effect upon public credit. A number of the States had been forced to disown their financial obligations; Mississippi, Indiana, Illinois, Pennsylvania, and Michigan all tottered upon the verge of bankruptcy. In January, 1842, a relief measure was passed authorizing the issue of five million dollars in treasury notes. With such a condition existing, Congress and the president wrangled over what, shorn of its particular character, was a contest as to their respective claims of prerogative. Behind that contest, as well, was hidden the dark quarrel between the president and Clay. The Whigs were satisfied that Tyler's real objection to the distribution clause of the tariff bill arose from his animosity toward Clay and his desire to please Calhoun. Before the contest between the president and Congress upon the tariff question arose, Clay had left the halls of Congress. His action was influenced in part by chagrin at the failure of his plans in the promotion of legislation, but more so by that star of an

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Sale of a slave at the slave market at Easton, Talbot County, Maryland. *From an early photograph in the collection of Robert Barrie.*

evasive destiny, which so influenced Clay's political pilgrimages—the star of presidential ambition. He thought that outside of the halls of Congress he could better marshal the disgruntled Whig forces into a solid column of adherents. On the last day of March, 1842, Clay severed the ties of Congressional service. The record of forty years he laid before his associates in Congress, and asked that in view of the happiness of the country which he had sought to promote that all personal collisions between them might be forgotten. Upon closing his address Clay submitted the credentials of the late Attorney-general Crittenden, as his successor. Strong men wept as Clay handed to another the place which he had so long and honorably filled. No circumstance of Clay's valedictory was more touching than an episode in connection with his antagonist Calhoun. As he reached the entrance of the door to pass out, the grim champion of States Rights impulsively extended to him his hands and under the inspiration of that community of feeling which is ever present among men of profound purpose and serious conviction they fell into one another's arms. Calhoun also gave notice that this Congress was the last in which he would be found. A third leader, though not so prominent a one, Fillmore, whose influence had been exerted in changing the tariff bill at the last moment in order to make it acceptable to Tyler, also gave notice that he too would retire from his place in the House. Although these men all honestly believed that they were passing out of the national Council finally, nevertheless each of them was destined to play a further part in the great drama of the nation's life.

In addition to the overshadowing question of the tariff, there were several other matters of national interest related to the first session of the Twenty-seventh Congress which need to be noticed. Reference has been made to questions pending with Great Britain which made it important for Webster to remain in Tyler's cabinet until they were settled. We have seen that the border disorders in Maine had been

composed, but during Van Buren's administration the New York border had become the scene of disturbance. It was inevitable that so long as the state of rebellion existed across the Canadian line the border States should be involved in the trouble. In 1837, an American steamer, the *Caroline*, gave offence to the Canadian authorities by transporting men and supplies to an island in Niagara River which was known to be a place of rendezvous of the insurgents. An expedition was fitted out to take the *Caroline*, but in the meanwhile it had returned to the American shore. This did not prevent the leaders of the expedition from crossing thither and setting the vessel afire and sending it adrift. This outrage was reported to the British authorities, who, however, showed no disposition to make suitable amends. The situation was further complicated by the fact that in the *mêlée* an American had been killed. Nearly three years later, in November, 1840, a Canadian deputy sheriff, Alexander McLeod, who admitted himself to be the murderer of the American, Durfree, was found in New York State, and was arrested and held under a charge of murder. The British government, claiming that it was responsible for the act, demanded the release of McLeod. Van Buren, however, declined to make the matter a national affair. In 1841, under Harrison's administration, an effort was made to take the case out of the hands of the New York authorities, but the State stood firm in its claim to the prisoner. Upon Tyler's entrance upon the presidency, McLeod sued out a writ of *habeas corpus*, but the State court refused to discharge him. After a fair trial, the prisoner was found not guilty, having established an alibi. This relieved the tension, which had brought the two countries almost to the brink of war. To guard against future cases of the sort, the judiciary act was amended so that offences committed under conditions which involved foreign authority were to be tried by the Federal courts. The question of the northeastern boundary was finally adjusted by the Ashburton Treaty. The bearing of this treaty upon slavery has already been noticed. In December, 1841,

the Peel ministry arranged to send Lord Ashburton, formerly Alexander Baring, of the banking firm of Baring Brothers, to Washington. He arrived in the country in April, 1842, and successfully performed his mission. The Oregon, or northwestern, boundary was passed by as not being a question as yet susceptible of adjustment; the *Caroline* affair was not considered, nor the *Creole* case. It was decided that the United States should assume the debts of delinquent States. An extradition agreement was reached. The agreement with regard to the northeastern boundary accorded to the United States seven-twelfths of the disputed area of twelve thousand square miles. This government was also permitted to carry timber down St. Johns River.

The Twenty-eighth Congress convened on December 4, 1843, but it met not to effect fruitful legislation but to continue the wrangle with the president. Clay had been carrying out an active canvass throughout the summer; and at Lexington, Kentucky, a great barbecue held in June was attended by twenty thousand people, who hailed the veteran statesman as: "Henry Clay, farmer, of Ashland, patriot and philanthropist, the American statesman and unrivalled orator of the age, illustrious abroad, beloved at home: in a long career of eminent public service, often, like Aristides, he breasted the raging storm of passion and delusion, and, by offering himself a sacrifice, saved the Republic; and now like Cincinnatus and Washington, having voluntarily retired to the tranquil walks of private life, the grateful hearts of his countrymen will do him ample justice. But, come what may, Kentucky will stand by him, and still continue to cherish and defend, as her own, the fame of a son who has emblazoned her escutcheon with immortal renown." A dramatic incident of Clay's campaigning occurred at the little town of Richmond, Indiana. While he was addressing an enthusiastic Whig audience, a Quaker named Mendenhall presented to Clay a petition, bearing many signatures, requesting him to emancipate his slaves. Clay responded by an eloquent arraignment of slavery, and said that he wished

that every slave in the United States were in Africa; but, great as were its evils, he feared an influx of greater evils into the country if the slaves should all be suddenly emancipated. He foresaw a "contest between the two races, civil war, carnage, conflagration, devastation, and the ultimate extermination or expulsion of the blacks." He further declared that the only safe method to pursue with the slavery question was that of gradual emancipation, and that the reckless agitation of the abolitionists had set this back half a century. As to himself, he declared that he would liberate his slaves forthwith, but there were among them aged and infirm persons whom it would be cruel to turn adrift. He then put to the Quaker the question whether, if he liberated his fifty slaves, valued at fifteen thousand dollars, Mendenhall and his friends would contribute an equal sum to care for them after their liberation? He then advised the agitator to "dry up the tears of the afflicted widows around you; console and comfort the helpless orphan; clothe the naked, and feed and help the poor, black and white, who need succor, and you will be a better and a wiser man than you have this day shown yourself." This episode was significant of the importunity of the question which more than any other compassed the defeat of Clay's long ambition to be president.

While Clay's campaign was being vigorously prosecuted, Webster was suffering for his continued alliance with Tyler. In September he delivered a speech at Faneuil Hall, which indicates his temper. Replying to the criticisms of his fellow Whigs, he said: "I am a Whig, I always have been a Whig, and I always will be one; and if there are any who would turn me out of the pale of that communion, let them see who will get out first. I am a Massachusetts Whig, a Faneuil Hall Whig, having breathed this air for five-and-twenty years, and meaning to breathe it as long as my life is spared. I am ready to submit to all decisions of Whig conventions on subjects on which they are authorized to make decisions; I know that great party good and great

public good can only be so obtained. But it is quite another question whether a set of gentlemen, however respectable they may be as individuals, shall have the power to bind me on matters which I have not agreed to submit to their decision at all. 'A full and final separation' is declared between the Whig party of Massachusetts and the president. That is the text: it requires a commentary. What does it mean? The President of the United States has three years of his term of office yet unexpired. Does this declaration mean, then, that during those three years all the measures of his administration are to be opposed by that great body of the Whig party of Massachusetts, whether they are right or wrong? If the President of the United States should attempt, by negotiation, or by earnest and serious application to Congress, to make some change in the present arrangements, such as should be of service to those interests of navigation which are concerned in the colonial trade, are the Whigs of Massachusetts to give him neither aid nor succor? If the President of the United States shall direct the proper department to review the whole commercial policy of the United States, in respect of reciprocity in the indirect trade, to which so much of our tonnage is now sacrificed, if the amendment of this policy shall be undertaken by him, is there such a separation between him and the Whigs of Massachusetts as shall lead them and their representatives to oppose it?" But Webster could not keep the Whig Convention of Massachusetts from resolving upon a full and final severance with the president. Personally, he would neither resign from the Cabinet nor submit to be forced out of his party. Yet he was bitterly humiliated at his inability to accomplish that object to which he largely owed his retention by Tyler,—regaining the allegiance of the New England Whigs for the president's support. He had the bitterness of seeing Clay indorsed by Massachusetts. The subject which was to be made the ostensible reason for the removal of Webster by Tyler was the project to annex Texas. On May 8, 1843, Webster retired from

the Cabinet, no reasons being made public on either side for his action.

In June, 1843, Legaré, who had been appointed secretary of state upon the retirement of Webster, died. Tyler reorganized his Cabinet, filling the vacancies. Upshur was made secretary of state; John Nelson, of Maryland, attorney-general; David Henshaw, of Massachusetts, secretary of the navy; John C. Spencer had already been transferred to the treasury, and James H. Porter, of Pennsylvania, had received the portfolio of war. Porter, Henshaw, and Nelson were Democrats. Spencer represented the Northern Whig influence. The president found himself in a curious situation with little choice of action. He realized that it was impossible to induce the Democrats to make such concessions as would enable him to reunite with them. He had not been able to attract enough Democrats from their party and to draw to himself a sufficient number of Whigs to constitute a new party. There were only two courses open to him: capitulation to the Democrats without terms, or the continuance of his independent course. The latter he resolved upon. Notwithstanding his isolation he determined to be a candidate. He had a party organ at Washington and the power of patronage to advance his candidacy.

A sad circumstance of this period was the disaster on the man-of-war *Princeton*. The president, his Cabinet, members of both Houses of Congress, civilians, and many ladies composed the party which were invited to watch the trial of the huge gun called the Peacemaker. The last shot from the guns was followed by an explosion of the Peacemaker. Upshur and Gilmer, the president's close friends and advisers, and members of his Cabinet, were killed. Mr. Gardiner, the father of the lady whom the president afterward married, also lost his life. Only by the merest chance did the president himself escape. Thus again were breaches made in the president's Cabinet. To whom should he turn? Calhoun, the highpriest of States Rights and slavery was called into the Cabinet of the Whig president

as secretary of state. The choice was influenced by Tyler's counsellor, Wise. Indeed the latter had taken the liberty of approaching Calhoun upon the subject by letter in such a way that the latter had reason to believe that the advance had official sanction. When Tyler found such to be the case, rather than impose mortification upon Calhoun, he accepted the situation and named the great Southern leader. John Y. Mason, of Virginia, took Gilmer's place in the Cabinet. Before the administration closed George M. Bibb succeeded Spencer as secretary of the treasury.

The fall elections of 1843 found Tyler almost absolutely without a follower. Nevertheless, his influence was to be felt severely by both parties through the question of Texas. The force of the movement for its annexation was found in the secret efforts of Tyler and his personal following. A treaty of annexation was concluded between the United States and the Republic of Texas at Washington, April 12, 1844, by Calhoun, then secretary of state, on the part of the United States, and Messrs. Van Zandt and James P. Henderson on the part of Texas. It was rejected by the Senate on June 8th, by a vote of sixteen to thirty-five.

While the Whigs were uniting upon Clay as their candidate, the Democratic party was becoming disorganized. Van Buren had the strongest hold upon his party, but opposition against him was increasing. Other candidates for presidential honors were Cass, who had returned from France, where he had gained some reputation for his opposition to the "right of search" for slaves, Buchanan, Richard M. Johnson, and in the background Benton and James K. Polk, the latter, however, being thought of for vice-president. The Whig National Convention met in Baltimore in May, 1844, with the problem of carrying New York, the greatest question of the coming campaign as it related to that party. The year before, the New York State Democracy had become strongly factional over the revision of the State code. The trouble centred about the perpetuation of the extensive land grants which had in the first

instance been received by their original owners as manors. All the mediæval burden and inconvenience of land tenure was found in the feudal conditions of these extensive holdings. The old patroons had followed the custom of letting their lands on perpetual lease, but with irksome reservations in favor of themselves and of their heirs. One of these was the payment to them of one quarter of the price in case of transfers. This and other requirements had not been uniformly pressed, but the heirs of the old patroon, Stephen Van Rensselaer, undertook to collect the claims, and drove the leaseholders to the formation of anti-rent associations. They did not rest upon protest, but urged their cause by acts of violence. Disguised as Indians, they waylaid officers sent out to serve writs upon them. As a result, all sorts of crimes were laid at their door. These disorders beginning in 1840, continued through a number of years. The reason of the split in the Democratic ranks in Rhode Island was a revolt of the people in general against the State government, which was thought to be too aristocratic. Rhode Island was still working under its charter which confined the right of suffrage to freeholders of land and their eldest sons. It was a revolution of the disqualified voters that gave origin to the name "barnburners." The confusion continued during 1841 up to the spring of 1842 through various political phases, when the free suffrage party undertook to elect a set of State officers independently of the constitutionalists. This irregular party supported for governor Thomas W. Dorr, who was a man of culture, wealth and family influence. Both parties claimed the election; one legislature met at Newport and administered the oath of office to Governor King, and the other at Providence, where Governor Dorr took the oath of office. President Tyler supported Governor King in a carefully worded letter. The Dorr faction finally became disheartened and a contest of arms was avoided. The agitation, however, had had good effect and reforms were brought about in a peaceful manner. In April, 1843, a constitutional

convention framed a new Constitution which gave to the Dorrites practically all that they had sought to obtain. Dorr himself, however, in 1844, was arrested as a traitor, tried, convicted, and sentenced to imprisonment—a harsh sentence which public opinion did not sustain and Dorr was released under an amnesty act of the legislature in 1845.

When the Whigs met in Baltimore on May 1st, Henry Clay was put in nomination by acclamation. Theodore Frelinghuysen was nominated for the second place. He had represented the State of New Jersey in the Senate and was a man of character and strength. The platform was Clay's. It reflected his views upon the currency, the tariff, land distribution, and hostility to executive usurpation.

The Democratic convention met at Baltimore, May 27th. A decided preference was shown for Van Buren, although his opponents declared that it would be suicidal for the party to nominate him. This feeling had been pronounced in 1843. At the beginning of May, 1844, Henry Clay and Martin Van Buren were called upon to answer interrogatories with regard to their position upon the Texas question. Their answers were strikingly similar. Both foresaw that Texas could not be annexed without bringing on a war with Mexico, and they both regarded annexation without the consent of Mexico as dishonorable. It was a courageous act on Van Buren's part to publish his letter so close to the meeting of the convention, but, on the other hand, the time was too short for Virginia or any other State that had instructed its delegates for him to alter those instructions. Of the two hundred and sixty-six votes on the first ballot, Van Buren received one hundred and forty-six with a clear majority over all other candidates of twenty-six. Nevertheless, he needed one hundred and seventy-eight votes to secure the nomination. The contest proceeded without result until the ninth ballot, when State after State cast its vote for James K. Polk, who was thus the first "dark horse" to secure a presidential nomination.

During the autumn campaign, personalities were freely exchanged, forged letters put into circulation, and old bribery and corruption charges were revived against Clay. Polk was called upon to face the accusation that a gang of Tennessee slaves on their way to a Southern market had been discovered to bear the brand of his initials. Already in some of the States, religious hatred bred of a native American movement was ranging Catholics and Protestants on opposing sides. The Liberty party had been revived at Buffalo, with James G. Birney as its standard bearer. New York was the pivotal State of the campaign. The candidates of both the Democratic and the Whig parties were alike objectionable to the philanthropists, both being slaveholders. Birney declared that as between the two men he would prefer to see Polk elected as he was a man of little ability, and could be counted upon to do less harm than Clay, who was strong enough to thwart the friends of freedom. But there was nothing equivocal in the platform on which Polk stood with regard to the question of slavery extension, for the Tennesseean had been nominated for the office because of his outspoken advocacy of immediate annexation, and the "re-occupation of Oregon and the re-annexation of Texas" was made the principal plank in the party platform. But the Liberty party was a group of political zealots, difficult for anyone to satisfy. These extremists scorned national office because the incumbent was sworn to support a Constitution which permitted slavery. Nevertheless, Clay had the strong support of such leaders among the anti-slavery people as Adams, Giddings, and Seward. Thus Clay was repudiated by the extremists of the North and those of the South for exactly opposite reasons. His great weakness in 1844 was his desire to please all men.

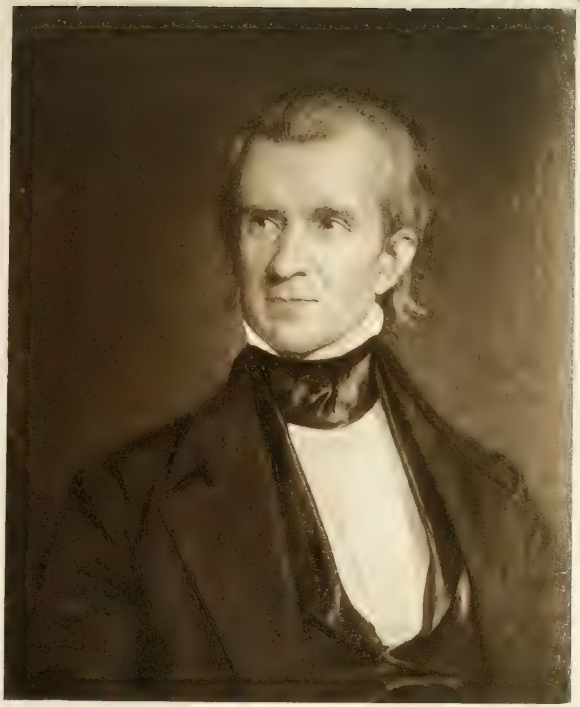
In the November election, Clay was again defeated. The Democrats carried New York by the slender plurality of five thousand votes out of an aggregate of five hundred thousand. The vote, as a whole, was a very close one, and if the votes that were lost to Birney in the Whig counties

had been cast for Clay, he would have carried New York. Clay bore his defeat manfully, but his power had reached its highest point and was now upon the wane.

The session of Congress which began on December 2, 1844, was largely concerned with the question of the annexation of Texas. Other measures were to provide a uniform time for holding elections for electors of president and vice-president in all the States of the Union; to provide for the establishment of mail facilities between the United States and foreign countries; to admit Iowa and Florida into the Union, and to make appropriations for river and harbor improvements. This failed to become a law by the president's exercise of the "pocket veto." It was with a feeling of relief that the country witnessed the close of Tyler's administration. The retiring president was a statesman of administrative ability, of undoubted industry, and with great pertinacity and zeal in carrying his point, combining qualities unusual in such association—deftness and fertility. Webster was justified in his observation that Tyler "was remarkably cautious, exact and particular." Had Tyler been less concerned to work the misfortune of Clay he had better promoted his own political estate, and had he been less concerned to secure the verdict of popularity he would have worn more graciously and longer the crown of power.

JAMES KNOX POLK ZACHARY TAYLOR

From the paintings by C. P. A. Healy, in the Corcoran Gallery, Washington.







CHAPTER IV

EXTENSION OF SLAVE TERRITORY

ANDREW JACKSON was a Southerner, but he was averse to the extension of slavery in any manner that would affect the equilibrium of the free and slave States. For that reason he was disturbed by the growing sentiment in the country for the annexation of Texas as much as by the outburst of abolitionism, which sought to sweep slavery out of the entire Union. But if Jackson arrived at a favorable view of the annexation of Texas under the belief that the balancing of the slave and free territory was essential to the perpetuity of the Union—Calhoun could the more readily arrive at the conclusion that Texas should be annexed by reason of his pro-Southern sympathies. His dreams were of an extended South directing the destinies of the whole nation. To him slavery was not merely an institution, it was the badge of autocracy. His section, by virtue of its subjugation of the black man, had established its right to rule. In a word, the genius of slavery had taken complete possession of the man, he could see things only in terms of power and of rule. It mattered little to him that the North should be shorn for the warming of the South; he would throw his cloak about him regardless of the fact that the North was shivering for the lack of constitutional covering. Her rights made no appeal to the grim sponsor of the South. To him slavery was "a good—a positive good—the safe foundation of free institutions."

The contiguity of Texas to the southwestern border of the United States held out the best promise for the spread of the institution of slavery. Texas had long been the storm centre of Mexico. Its population included very few Mexicans, but instead there was a swarm of bold pioneer spirits from across the United States border. The social condition was much like that of the average crude frontier settlement. Texas was the veritable promised land of the Southern planter, but it was the territory of a neighboring power and could not be ruthlessly seized upon by the American government, were it so disposed; Texas could not be appropriated by the general government under existing conditions, because to include it in the territorial limits of the United States would mean the disturbance of that compromise which had so long given political stability to the country. That is, Texas could not be annexed to the Union until Tyler should disown his party and should place Calhoun in the controlling position in his Cabinet.

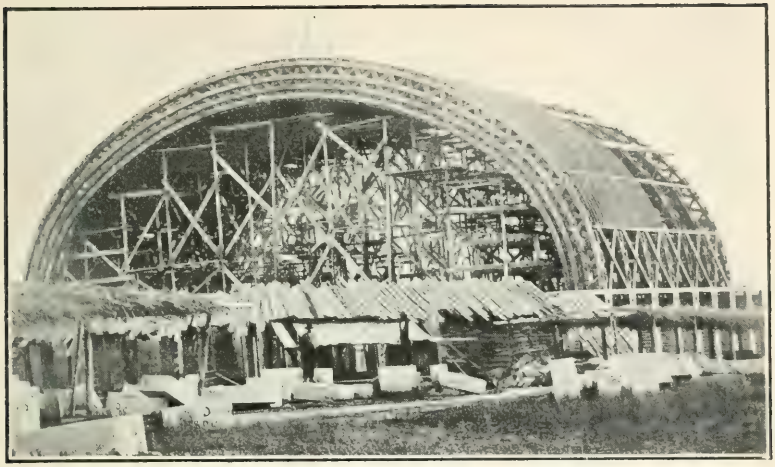
The steps by which the United States acquired the domain of Texas, comprising an area of three hundred and seventy-one thousand and sixty-three square miles, with a vast domain to the north and west as, practically, a war indemnity, in spite of the formality of a nominal payment, now need to be traced. At the time of the Louisiana Purchase, in 1803, the boundaries of the vast territory then acquired from France were undefined. The western boundary was to become the subject of contention and a contributing cause of war. By the acquisition of Louisiana the United States became a party to a long and complicated territorial quarrel; for the territory commonly known as Texas, which lay between the Sabine and the Rio Grande del Norte, was claimed by Spain as not having been included in her cession to France, and therefore not transferable by that country to the United States. In 1819, however, the United States relinquished its claim to Texas as part of the consideration to Spain for her cession of Florida. "Texas remained, therefore, what it always had been—a department or province

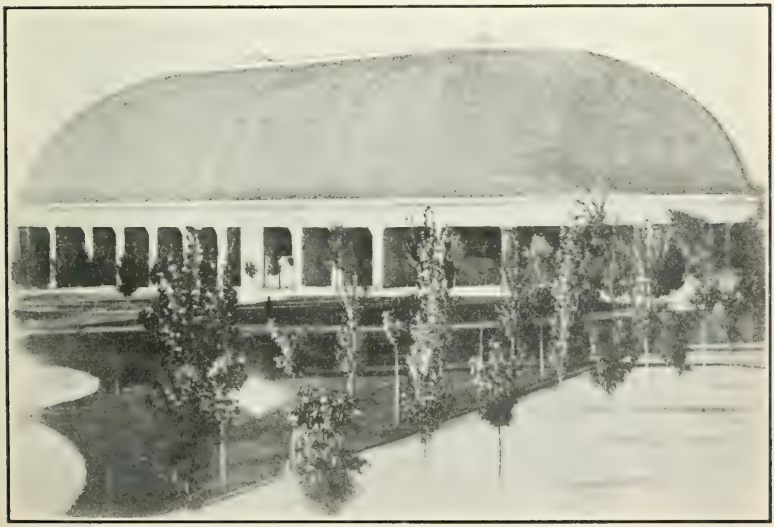
of Mexico, with a formal quit-claim thereto on the part of the United States." The acquisition of Florida had been urged by the slaveholders of Georgia and Alabama, as it had long furnished asylum to refugee slaves. As early as 1827, however, the United States, which had not been satisfied with the worth of its bargain, sought to secure from Mexico the territory east of the Rio Grande for a million dollars. In 1829, under Jackson, this offer was renewed and increased to five million dollars for Texas proper, exclusive of New Mexico and the valley of the Rio Grande. This and subsequent offers during the administration of Jackson were persistently refused by Mexico. Instead of a disposition to sell, Mexico sought to secure the coveted territory the more firmly by a law which she passed in 1830, under which "orders were issued to prevent any further emigration from the United States." The motive prompting the United States during its early efforts to secure Texas was to obtain a better western boundary and to protect New Orleans as well as to prevent the occupation of the desired territory by a foreign or hostile power.

In 1829, the president of Mexico issued a decree abolishing slavery throughout the Mexican republic. At this time, there were very few slaves in Texas, but the number was rapidly increased in the next three or four years by emigration from the Southern States of the Union of planters who carried many slaves with them. In 1832, Sam Houston, a sturdy pioneer, who served as a soldier in the army of Jackson, subsequently filled a seat in Congress, and later became governor of Tennessee, went to Texas with the express purpose of taking possession of the country and setting up an independent government. Benton, who had served in the same regiment as Houston, in the Creek war, described him as follows: "I then marked in him the same soldierly and gentlemanly qualities which have since distinguished his eventful career; frank, generous, and brave, ready to do, or to suffer, whatever the obligations of civil or military duties imposed; and always prompt to answer the

call of honor, patriotism and friendship." Jackson did not escape suspicion of being the inspirer, if he was not the promoter, of the Houston movement. Certainly the southwestern States viewed with satisfaction the probable outcome of Houston's endeavors. The Little Rock *Journal* expressed the hopes of that entire section of country when it said: "We shall, doubtless, hear of his raising his flag there shortly."

Following upon a revolution by which Santa Anna came to power in Mexico, Texas, in 1835, declared her independence of Mexico. In 1836 was fought the decisive battle of San Jacinto, which resulted in the rout of the Mexicans and the capture of Santa Anna. An account of this rebellion is given by the president's mentor, Henry A. Wise: "He [Houston] was instructed by Jackson not to fight Santa Anna a decisive battle until he reached the front of Gaines [the American general] on his pretended line, but to retreat across it, and then, if Santa Anna should pass it, Gaines was ordered to repel him by the arms of the United States. Houston was retreating under the secret understanding with Jackson. His officers and men were anxious to fight, conscious that they were able to conquer, and were indignant when Houston, at San Jacinto, still ordered retreat. Two by two and ten by ten, they refused to retreat, and, against orders, turned to fight, Houston's motives being misunderstood." Immediately after the battle of San Jacinto, Calhoun declared that the policy of the government dictated the recognition of Texas as an independent State, or its early annexation to the United States. In 1837, the Texan government was duly recognized by the United States, and, in August of that year, its minister at Washington, General Hunt, proposed annexation. Van Buren, however, did not favor this, for the development of the sentiment for creating new slave States out of Texas, if acquired, had become so strong that the president's endorsement of annexation would have been tantamount to an endorsement of the extension of slave territory. The





Mormon Tabernacle at Salt Lake City in course of construction, and completed.

response given to General Hunt, however, stated as the reason for the country's refusal to consider favorably the proposition, that it was bound to Mexico by a treaty of amity and commerce which should be scrupulously observed, and the proposition "necessarily involved the question of war with that adversary" [of Texas]. Many of those who had originally disapproved of the cession of Texas to Spain were now opposed to its reacquirement in view of the sectional character which the question of annexation had assumed.

With the accession of the Whigs to power in 1840 the anti-slavery men became more confident of keeping Texas out of the Union, but we have seen that the succession of Tyler with his pro-Democratic sympathies dispelled their confidence. The colonization of Texas had been proceeding rapidly and had been pushed by the slavery extension advocates in order to insure a slavery status for the territory when eventually acquired. The presence of Webster in Tyler's Cabinet prevented the consummation of the plans of the Southern leaders for the annexation of Texas. But with Webster's resignation the coalition for the conquest of Texas did not hesitate to declare that to secure Texas would be to afford slavery a Gibraltar in the South, or, as Henry A. Wise expressed it, it would give "more weight to her [the South's] end of the lever." Southern legislatures and Southern newspapers took up the cry of "Now or Never!" They declared that the annexation would afford "a permanent guaranty of protection" to the slave system. *The Madisonian*, which was President Tyler's organ, affirmed that it would have a salutary influence upon slavery and that "it must be done soon, or not at all." The president held not only the reins of power, but was the dispenser of patronage; he not only counselled with a Cabinet practically unanimous in favor of slavery extension, but he was in close touch with leaders of Southern sentiment who had no official claim upon the president's consideration. In a speech in Congress in April, 1842, Wise permitted his ardor to control his eloquence, and disclosed the Texan

programme. Said he: "It is not only the duty of the government to demand the liquidation of our claims and the liberation of our citizens, but to go further, and demand the non-invasion of Texas. Shall we sit still here while the standard of insurrection is raised on our borders, and let a horde of slaves and Indians and Mexicans roll up the boundary line of Arkansas and Louisiana? No. It is our duty to say at once to Mexico, If you strike Texas, you strike us; and if England, standing by, should dare to intermeddle, and ask, Do you take part with Texas? his prompt answer should be, Yes, and against you. Such . . . was the spirit of the whole people of the great valley of the West." Advocated openly, the movement for annexation went rapidly forward.

In the winter of 1843 the extent of the combination for securing control of Texas was made clear by a letter in a Baltimore paper, purporting to be written by Thomas W. Gilmer, a member of the House of Representatives from Virginia. The importance of this letter, and certain internal evidences, pointed to the hand of Calhoun. If he did not write it, there is little doubt but that its reflection of his views can be accounted for more satisfactorily than by unconscious cerebration. Benton says that this letter, which was directed to "a friend" of Calhoun's [Duff Green], came like a flash of lightning from a clear sky. Benton describes its progress as follows: "And thus, conceived by one, written by another, published by a third, and transmitted through two successive mediums, the missive went upon its destination, and arrived safely in the hands of General Jackson. It had a complete success. He answered it promptly, warmly, decidedly, affirmatively. . . . The answer was dated at the Hermitage, February 12, 1842, and was received at Washington as soon as the mail could fetch it. . . . It was to be produced in the nominating convention, to overthrow Mr. Van Buren, and give Mr. Calhoun the nomination, both of whom were to be interrogated beforehand; and as it was well known what the answer would be—Calhoun for and Van Buren against immediate annexation—and Jackson's

answer coinciding with Calhoun's would turn the scale in his favor, 'and blow Van Buren sky high.'" Let us now see the nature of this interesting Gilmer letter, which was undoubtedly intended to become an effective campaign document, but which failed in its purpose to put Calhoun in the White House, whatever might have been its adverse effect upon Van Buren's chances. Its conclusion will suffice. "Having acquired Louisiana and Florida, we have an interest and a frontier on the Gulf of Mexico, and along our interior to the Pacific, which will not permit us to close our eyes, or fold our arms with indifference to the events which a few years may disclose in that quarter. We have already had one question of boundary with Texas; other questions must soon arise, under our revenue laws, and on other points of necessary intercourse, which it will be difficult to adjust. The institutions of Texas, and her relations with other governments, are yet in that condition which inclines her people (who are our countrymen) to unite their destinies with ours. This must be done soon, or not at all. There are numerous tribes of Indians along both frontiers, which can easily become the cause or the instrument of border wars. Our own population is pressing onward to the Pacific. No power can restrain it. The pioneer from our Atlantic seaboard will soon kindle his fires, and erect his cabin, beyond the Rocky Mountains, and on the Gulf of California. If Mohammed comes not to the mountain, the mountain will go to Mohammed. Every year adds new difficulties to our progress, as natural and as inevitable as the current of the Mississippi. These difficulties will soon,

> "'Like mountains interposed,
> Make enemies of nations,
> Which now like kindred drops,
> Might mingle into one.'"

Jackson's reply was withheld from publication until 1844, when, with its date altered, it was brought out for the purpose of influencing the Democratic National Convention,

which met in May of that year at Baltimore, Maryland. It may be well to recall here that an address to the people of the free States had been drawn up at the close of the Twenty-seventh Congress, on March 3, 1843, by thirteen members of the House, including such men as Adams, Giddings, Slade, and Gates, sounding a warning of a conspiracy to bring Texas into the Union as a slave territory. This address declared the motive to be "an attempt to eternize an institution and a power of a nature so unjust in themselves, so injurious to the interests and abhorrent to the feelings of the people of the free States, as in our opinion not only inevitably to result in a dissolution of the Union, but fully to justify it; and we not only assert that the people of the free States ought not to submit to it, but we say with confidence that they will not submit to it." Published in the Whig papers, the address was not without effect in forming public opinion on the subject of annexation, although when first issued it was generally regarded as unduly apprehensive. Upon his accession to the state department, Calhoun wrote to the representative of the government in Mexico that "it was impossible for the United States to witness with indifference the efforts of Great Britain to abolish slavery in Texas." He asserted that slavery was not simply a social fact, it was a political institution; and he wrote in the same strain on April 27, 1844, to the British minister, while the treaty for the annexation of Texas was pending in the Senate, saying that such a course "was made necessary in order to preserve domestic institutions, placed under the guaranty of the Constitutions of the United States and Texas," and that slavery was an institution to be preserved as being "essential to the peace, safety, and prosperity of those States of the Union in which it exists." He avowed without reservation the real cause of his desire to see Texas annexed. Calhoun also instructed the American minister at Mexico to represent to that government that the United States was acting in self-defence in its efforts to secure Texas, as Great Britain was seeking to have slavery


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Samuel Houston. *From an early photograph.*

abolished in that territory. The Mexican minister for foreign relations directed a communication to the state department, in which he said: "When, in order to sustain slavery and avoid its disappearance from Texas and from other points, recourse is had to the arbitrary act of depriving Mexico of an integral part of her possessions as the only certain and efficacious remedy to prevent what Mr. Green—the American chargé d'affaires in Mexico—calls 'a dangerous event,' if Mexico should be silent and lend her deference to the present policy of the executive of the United States, the reproach and censure of nations ought to be her reward."

A feeling of alarm had now begun to permeate even the Democratic party itself, and many of the more thoughtful and conservative felt that the administration was subjecting the country to mortification. The New York *Evening Post*, which was the principal organ of the Democratic party, expressed this sentiment as follows: "It is evident that this presents to the people a question entirely new, and which they cannot avoid. This issue is not as to the abolition of slavery in the Southern States, the District, or the Territories of the Union, but whether this government shall devote its whole energies to the perpetuation of slavery; whether all the sister republics on this continent, which desire to abolish slavery, are to be dragooned by us into the support of this institution."

In January, 1844, Van Zandt, the Texan chargé d'affaires in Washington, addressed a letter to Secretary Upshur, calling his attention to the fact that Mexico could not look with complacency upon a treaty of annexation of Texas to the United States and would be driven to renew hostilities with Texas. The Texan representative appended an inquiry as to whether in the event of annexation being acceptable to Texas, President Tyler would, as a prior condition to the ratification of such a treaty, pledge the military forces of the United States to the protection of Texas from Mexican attack. Upshur ignored the question, as an affirmative answer would have incurred responsibilities

which the administration was not prepared to assume, and a negative reply would have precipitated a coalition between Texas and Great Britain. The Texan government was not to be satisfied with silence, and pressed the same question upon General Murphy, chargé d'affaires of the United States in Texas. "If, therefore, General Murphy will, on the part of his government, give assurances to this government that the United States shall assume the attitude of a defensive ally of Texas against Mexico—that the United States will maintain a naval force in the Gulf of Mexico, subject to his orders, able successfully to oppose the marine of Mexico, and also a disposable force on our Eastern and Northeastern frontier of five hundred dragoons, with one thousand infantry at some Southern station of the United States, whence they may be conveniently transported to our shores in the event of necessity, the president will have no hesitation in forthwith despatching a minister, with ample powers, to the government of the United States, to coöperate with our minister now there in negotiating for the annexation of Texas. In the event of a failure of the treaty of annexation, it is also necessary that this government should have assurance or guaranty of its independence by the United States." On the same day, Murphy made the following reply: "Sir, I have no hesitation in declaring, on the part of my government, that neither Mexico nor any other power will be permitted to invade Texas on account of any negotiations which may take place in relation to any subject upon which Texas is or may be invited by the United States to negotiate; that the United States, having invited the negotiation, will be a guaranty of their honor that no evil shall result to Texas from accepting the invitation, and that active measures will be immediately taken by the United States to prevent the evils you seem to anticipate from this source." He was not willing, however, to commit himself upon the attitude of the United States toward the independence of Texas should the negotiations for annexation fall through. He did give assurances

that in any eventuality Texas need not fear that the protecting troops would be hastily withdrawn. The next day, February 15th, the Texan government informed Murphy that it would send to Washington an agent, J. P. Henderson, with full power. On February 19th, Murphy sent Lieutenant J. A. Davis, in command of the United States steamer *Flirt*, to Vera Cruz, with orders to obtain information as to any military movements which Mexico might project against Texas. Murphy notified Secretary Upshur of this step by letter on February 22d. This missive, as explaining the significance of the move, may be quoted. "You will perceive it to be our opinion that the appearance of an imposing force in the Gulf will check any movement of Mexico against Texas, and it will be far better to check a movement of hostility than to oppose it, even successfully, after it has moved. The first check is not an act of open war. The second is. Besides, we can allege that the proclamation issued by the Texan government of a cessation of hostilities, without limit of time, having been induced, as understood, by the mediation of England and the United States, both are bound in good faith to take care that no violation of this proclamation be made by either party without the previous notice required by the law of nations, as well as by the principles of justice and common sense. No such notice has been given by Mexico to Texas, and until it is given, both England and the United States are bound in good faith to resist any sudden invasion of Texas by Mexico, opposing even force to force."

Mexico and Texas, through respective commissioners, closed a formal armistice on February 22d, which was to continue until May 1, 1844, by which time it was expected that a peaceable settlement of differences would have been effected, but the employment by the commissioners of the term "department" gave offence to Texas, which refused to ratify the agreement.

The death of Upshur, on February 28th, followed by Calhoun's succession to the state portfolio after an interval

of about a week, gave a new turn to affairs. During that interval, John Nelson, the acting secretary of state, sent to Murphy a despatch which declared that Murphy's assumption of responsibility in behalf of the United States was disavowed upon the ground of the constitutional inability of the United States to employ arms against a State with which it was at peace. The spirit of Murphy's negotiations was endorsed and he was informed that the president was not indisposed to make such disposition of troops as to afford protection to Texas, "at the proper time." On April 11th, Calhoun wrote to J. P. Henderson and Van Zandt that an order had been issued for the concentration of a powerful squadron in the Gulf of Mexico, and that troops would be brought to the southwestern border to meet any emergency. The president, through his secretary, declared it to be the duty of the United States to protect Texas against invasion so long as the treaty of annexation was pending. Said Calhoun: "I am directed by the president to say that the secretary of the navy has been instructed to order a strong naval force to concentrate in the Gulf of Mexico to meet any emergency; and that similar orders have been issued by the secretary of war to move the disposable forces on our southwestern frontier for the same purpose. Should the exigency arise to which you refer in your note to Mr. Upshur, I am further directed by the president to say that, during the pendency of the treaty of annexation, he would deem it his duty to use all the means placed within his powers by the Constitution to protect Texas from all foreign invasion." As the treaty was signed the next day, the secretary was very safe in pledging in behalf of the president the military aid of the United States to Texas should the exigency arise "during the pendency of the treaty of annexation." Ten days later the treaty was ratified by the Senate. Throughout all these negotiations there can be traced the play and interplay of political influences. But it would not be profitable to follow out the devious windings of political speculation

as to the motives which influenced the policy of this country in its relations with Texas at its various points.

After the treaty had been communicated to the Senate, public meetings were held throughout the country to give expression to views upon it. One such, held in New York on April 24th, was presided over by Albert Gallatin, the officers of the meeting representing both political parties. Gallatin, in opening the meeting, declared that the annexation of Texas would inevitably be followed by war with Mexico, and that such a war would be one of conquest, inspired by injustice. During the campaign of 1844, Seward declared that Texas and slavery were a combination incompatible with the integrity of the Union. Said he: "To increase the slaveholding power is to subvert the Constitution; to give a fearful preponderance which may and probably will be speedily followed by demands to which the Democratic free-labor States cannot yield and the denial of which will be made the ground of secession, nullification, and disunion." The election of Polk, however, was virtually a vote for the immediate annexation of Texas, and was so construed by President Tyler, and the anti-annexationists realized fully the extent of their discomfiture.

On the first Monday of December, 1844, the Twenty-eighth Congress began its closing session. President Tyler, in his message, called for immediate annexation of Texas. He said: "In my last annual message, I felt it to be my duty to make known to Congress, in terms both plain and emphatic, my opinion in regard to the war which has so long existed between Mexico and Texas; which, since the battle of San Jacinto, has consisted altogether of predatory incursions, attended by circumstances revolting to humanity. I repeat now what I then said—that after eight years of feeble and ineffectual efforts to reconquer Texas, it was time that the war should have ceased. . . . Mexico seemed, almost without an object, to persevere in the war; and no other alternative was left the Executive but to take advantage of the well-known disposition of Texas and to

invite her to enter into a treaty for annexing her territory to that of the United States. . . . The two governments having already agreed, through their respective organs, on the terms of annexation, I would recommend their adoption by Congress in the form of a joint resolution or act, to be perfected and made binding on the two countries when adopted, in like manner, by the government of Texas." The Senate's having rejected the pending treaty on June 8th was the fact which inspired Tyler's present recommendation. The president hoped that a joint resolution of both branches of Congress would win the support which the Senate would not give to the treaty upon the ground of the objectionable methods pursued by the government in its negotiations.

In reply to the recommendation of the president, on December 12, 1844, a joint resolution for annexing Texas to the Union was reported by the chairman of the Committee on Foreign Affairs, C. J. Ingersoll, and occupied the attention of the House in Committee of the Whole from time to time for the period of a month. On January 7th, J. P. Hale presented resolutions from the legislature of New Hampshire favoring annexation upon the ground that thereby more free than slave States would be added to the Union, and that it would be unfortunate to decline the annexation of such considerable territory because of differences with regard to a temporary institution. On January 25th the debate was at length brought to a close and the joint resolution was reported to the House with an amendment relating to slavery, which had been added in the Committee of the Whole on the motion of Milton Brown, a Whig member from Tennessee. The Brown amendment was as follows: "New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as

may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri Compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire; and in such State or States as shall be formed out of said territory north of said Missouri Compromise line, slavery or involuntary servitude (except for crime) shall be prohibited." Otherwise, the resolution was the rejected treaty without change. On January 25th the resolution passed the House by a majority of twenty-two, and was then sent to the Senate. On February 27th the resolution was passed by the Senate after an amendment offered by Robert J. Walker, of Mississippi, giving the president the alternative choice of using the resolution as such or as the basis of a treaty, had been adopted.

The greatest public interest was manifested in the fate of the annexation measure by the American people as well as by the foreign legations. It is interesting to note how some of the States stood upon the subject of annexation. The legislatures of New Hampshire, Michigan, and Maine referred to annexation as a great national step. Virginia declined to instruct its Senators upon the subject. When, on February 27th, the joint resolution was returned to the House with the Senate amendment, the "conscience Whigs" endeavored to defeat it by filibustering tactics. But the alternative feature made it palatable to Northern and Western Democrats, and the measure was passed by a larger majority than had been accorded the treaty. Benton makes the charge, and declares that it was so commonly understood, that the necessary votes were secured under a promise that Polk, who in a few days' time was to be inaugurated, would negotiate a treaty, but that Tyler consummated the matter himself with desperate haste. On March 1st the president affixed his signature to the resolution, and on the same day the Cabinet concurred and Calhoun immediately addressed a letter to the United States minister in

Texas, inviting that republic to act upon the resolution. And late on the evening of the 3d this communication was forwarded to Minister Donelson. "Thus," says Benton, "was Texas incorporated into the Union—by a deception, and by deluding five Senators out of their votes. It was not a barren fraud, but one prolific of evil and pregnant with bloody fruit. It established, so far as the United States was concerned, the state of war with Mexico; it only wanted the acceptance of Texas to make war the complete legal condition of the two countries; and that temptation to Texas was too great to be resisted. She desired annexation any way; and the government of the United States having broken up the armistice, and thwarted the peace prospects, and brought upon her the danger of a new invasion, she leaped at the chance of throwing the burden of the war on the United States." Tyler, having adopted what was in essential respects a war measure, passed on to his successor the burden of the conflict.

While the battle over annexation was waging, there were two Territories asking admission into the Union. Florida and Iowa, the one having adopted a slave and the other a free constitution, sought statehood. Florida was admitted March 3, 1845, but Iowa, because of the boundary line incorporated in the act of admission, declined to accept its new dignity until December, 1846, when its dissatisfaction with regard to its demarcation from Missouri was allayed.

President Polk was inaugurated on March 4, 1845. The new president was born in Mecklenburg County, North Carolina, the eldest of ten children. He came of sturdy farmer stock, but having ambitions above his environment, he secured a classical education, studied law, and went into politics. He was ancestrally a Democrat, his father having been one of Jefferson's warm adherents. Successively, Polk became a member of Congress and Speaker of the House. After fourteen years at the national capital, he returned to Tennessee, and was elected governor and was also twice defeated for the same office. His consistent



John Slidell. *From an early photograph.*

Democracy, his views upon Texan annexation, and the substantial friendship of Jackson, had made him the man preferred by the Democratic convention for the office of president. His administrative qualities were of a high order, and, while in no sense a despot, he was the ruler of his Cabinet. He had highly developed the secretive faculty, and never divulged his thoughts needlessly. He entered upon his executive duties with a clear perception of the principal facts of his administration, and he systematically pursued the path he had in advance marked out for himself. In a private conversation, after having taken the oath of office, Polk declared "there are four great measures which are to be measures of my administration: one, a reduction of the tariff; another, the independent treasury; a third, the settlement of the Oregon boundary question; and lastly, the acquisition of California." Before his term had ended, Polk had accomplished them all. The Oregon question, full of thrilling interest, was borne to a solution by a climax of affairs, while the other administrative measures were wrought out in the legislative halls of the nation.

When the new president selected the members of his Cabinet, James Buchanan, an advocate of protection, was given the state portfolio; Robert J. Walker, of Mississippi, became the secretary of the treasury; William L. Marcy presided over the war department; George Bancroft, of Massachusetts, the historian, administered the navy department—chiefly remembered in his Cabinet capacity for the founding of the Naval Academy at Annapolis; John Y. Mason, of Virginia, was attorney-general, holding over from Tyler's Cabinet; and Cave Johnson, of Tennessee, held the office of postmaster-general. Louis McLane, of Maryland, was sent to London to direct the important negotiations with regard to Oregon, succeeding Everett, who returned home to become president of Harvard University. McLane soon returned to America, and Bancroft was sent to the Court of St. James. This led to the transfer of Mason to the navy department, where he had previously served, and

Nathan Clifford, of Maine, took Mason's place as attorney-general. Richard Rush was appointed in the place of William R. King as minister to France. Ralph J. Ingersoll was sent to represent the United States at St. Petersburg; Romulus M. Saunders, of North Carolina, in Spain; and Andrew J. Donelson, of Tennessee, in Prussia. The death of Justice Story in September, 1845, made an important vacancy in the Supreme Court, and Levi Woodbury was appointed to succeed that famous jurist. The death of Andrew Jackson, in the spring of 1845, severed a tie with the past and removed one who, as ex-president, had exerted a more considerable influence and for a longer time in national affairs than any other ex-executive.

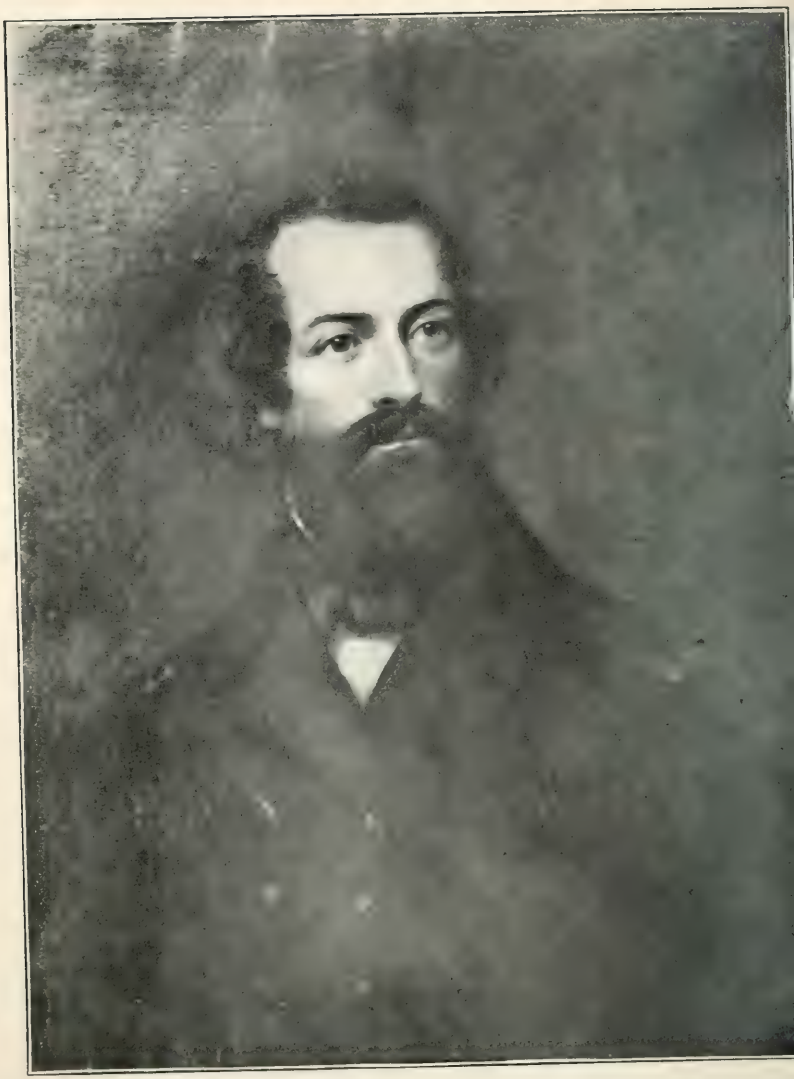
The question which first forced its attention upon President Polk was that of Oregon and the northwestern boundary. The Baltimore platform declared that the right of the United States to the whole of Oregon, by which was meant up to the line of fifty-four degrees forty minutes north latitude, was beyond question. The political slogan of the day was "Fifty-four forty or Fight!" The beginning of international difficulties over the northwest boundary is too uncertain to locate at a particular date, nor are we concerned with the history of that territorial region, but only with the matters which directly entered into this country's claims to it. The Oregon cry was intended to offset the inequity, as it was regarded in the North, of the annexation of Texas. The president, in his inaugural address, had declared that the United States had a clear claim to the disputed territory to the north, and popular enthusiasm for securing it became an incentive which carried to the new country many emigrants. The wilderness of the Columbia became dotted with the settlements of pioneers. There were two other nations that asserted rights to portions of the northwestern coast,—Russia and Great Britain. The former in 1824–1825 agreed to limit her establishment to the region north of fifty-four degrees and forty minutes. That narrowed the controversy to Great Britain and the

United States. California was territory belonging to Mexico. By the Florida treaty the United States had abrogated all claim to the right to the Pacific region south of the parallel of forty-two degrees. Consequently, the Oregon region lay between the lines of forty-two degrees and fifty-four degrees forty minutes north latitude. The influencing consideration with both the United States and Great Britain was to obtain control of Columbia River and to hold the seaports at its entrance. As the title of neither claimant was clear, in 1818 a convention was entered into between Great Britain and the United States, by which Astoria, a settlement upon Columbia River founded by the American Pacific Fur Company and named in honor of John Jacob Astor, a New York merchant, but which in 1813 had passed into the hands of the English Northwest Company, was surrendered by Great Britain. The importance of this act lay in the fact that it gave a basis to the United States of a claim for the territory by occupancy, in addition to the more remote claim of discovery. On October 20, 1818, the treaty was signed which directed that all the lands west of the Rocky Mountains claimed by both parties should be free and open for ten years to the subjects of both.

During those years, by process of development of their respective interests, the entanglement between the interests of Great Britain and those of the United States increased. Trade in furs constituted the chief source of revenue from the country. Although there was not at that early date a great rush of settlers to the region, nevertheless the interests of the United States became considerable through the continued occupancy and investment of its citizens, as is shown by the following abstract of a debate in Congress, January 25, 1821: "It appears from the best information that there is at this time eight millions of property owned by citizens of this Republic on the Pacific Ocean." Great Britain sought to fix her control upon the region by extending over it her legal system; while the United States consumed many years in talk about Oregon. In

December, 1820, the House of Representatives appointed a committee on the Columbia River settlements to report upon the propriety of the United States' taking possession of the territory. This report was submitted by the committee on January 25, 1821. When it came up for discussion, George Tucker, of Virginia, expressing a sentiment that was very general, declared that the Rocky Mountains for all time would constitute an impassable bulwark to the region west of it. On December 29, 1823, John Floyd, also of Virginia, who had introduced the report which was laid upon the table, asked and obtained the appointment of a new committee. On April 15, 1824, this committee made its report along the same lines. In the meanwhile, President Monroe, in his annual message of December 7, 1824, had recommended the establishment of a military post at the mouth of Columbia River or at some other point of the northwestern coastline. Consequently, on December 23, 1824, the House passed a bill "to provide for occupying the Columbia and Oregon region," but it struck out an authorization of the president to organize a territorial government, if in his opinion such were required. The Senate laid this House bill on the table. In the meanwhile, the administration had been active, and in 1823 had sought to have Great Britain give her consent to a division of the common territory. A complication had also arisen with Russia, which asserted the claim to treat the northern part of the Pacific Ocean as a closed sea. This position was taken in a ukase of September, 1821. The czar, in that pronouncement, asserted the jurisdiction of Russia upon the Asiatic coast as far south as forty-five degrees north latitude and upon the American coast from Behring Strait to fifty-one degrees north latitude, and from these points on both sides one hundred Italian miles into the sea. Russia threatened to take possession of ships of other nations which crossed this imaginary line. Great Britain and the United States both entered a protest against this absurd claim, which led to its suspension.

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Elisha Kent Kane. *From the painting by James R. Lambdin, now in possession of the American Philosophical Society, Philadelphia.*

An opportunity was given for the settlement of all contested claims in the region of Oregon by the proposition of the United States that, by agreement of the three powers, Great Britain should make no settlements south of fifty-one degrees north latitude, and the United States none north of that latitude, and Russia was to confine herself to the country above the latitude of fifty-five degrees. But Great Britain took the position that she had to concern herself solely with Russia as to the northern boundary of her territory, and upon the southern boundary only with the United States. On April 17, 1824, the United States concluded a treaty with Russia, forbidding the subjects of the contracting nations to settle respectively north or south of fifty-four degrees forty minutes. The next year, Great Britain made an independent treaty with Russia, fixing fifty-four degrees forty minutes as the starting point of the boundary between them. In the United States the notion became prevalent that the line fifty-four degrees forty minutes, although it had its origin in these treaties, was the boundary from the beginning. At the expiration of the time set by the treaty of 1818, it was necessary to again take up the matter of the disputed boundary, and the propositions of 1824 were renewed. Great Britain now sought to rest her claims to the territory south of forty-nine degrees upon the discoveries of Drake and Cook. Another element, however, became prominent in the dispute at this time. The treaty of October 28, 1790, which had passed out of knowledge, was now brought forward as the principal evidence in the case. Great Britain pointed to the third article of this treaty, which declared that the subjects of the contracting parties were given rights of landing on the Pacific coast, in places not already occupied, for purposes of trade with the Indians or of settlement. The word "settlements" was the basis of her claim from this clause of the treaty. But on behalf of the United States it was asserted that the term "settlements" could not be meant in its broader sense, because subsequent clauses of the treaty expressly limited the term by permitting British

subjects to erect only "huts and temporary buildings" needed for their fisheries. On the other hand, as this limitation was expressly applied in the terms of the treaty to the coast of South America, the advocates of the British claims declared that by implication there were no limitations of the sort imposed in connection with the coveted territory. The Americans also further asserted that Great Britain had forfeited her rights under the Nootka Sound Treaty because of her failure to found colonies before the outbreak of the war of 1796, by which her treaties with Spain were abrogated, and because the Treaty of Madrid of 1814 failed to put in force again the Escurial Treaty of 1790. Nevertheless, valuable British interests had grown up in the region, and it was immaterial whether or not they had had their birth under the Nootka Sound Treaty. The fact was none the less important that the interests were there, and it was Great Britain's policy to defend them.

As no progress could be made toward reconciling the opposing views the agreement of October, 1818, was extended indefinitely, both powers reserving the right of giving notice at any time of its termination. The intrenchment of Great Britain in the Oregon territory seemed to indicate the wisdom of a waiting policy. Whatever title America might have the Hudson's Bay Company was the actual possessor of the region. In 1832, however, there had grown up south of Columbia River, in the Willamette, an American settlement, whose presence in the wild region was to be made the focus of American claims. This had the advantage over the Hudson's Bay stations by reason of the fact that it was a settlement of *bona fide* character. The Hudson's Bay stations did not represent occupancy of the country, but simply exploration, while the American colony was committed to the development of the country and the extension in the region of American population.

In 1836, Jackson sent Slocum to make a more thorough investigation of the country and the latter's report was convincing as to its value. The Senate referred the matter

of his report to a special committee, and on June 6th the chairman of that committee submitted a detailed report, which closed with the expression of the hope that the president might bring the controversy over the valuable territory to an issue and thus prevent its loss to the Union. The report was accompanied by a bill which authorized the president to use the army and navy for the protection of settlers and their property. On January 28, 1839, a petition was laid before the Senate from the Willamette settlers themselves praying that the United States might speedily take formal possession of the territory. Prior to this report of Amos F. Linn, Caleb Cushing, in behalf of the Committee on Foreign Affairs, had introduced a similar report. But Congress was not yet interested enough in the Oregon situation to take more decisive measures than the appointment of committees. Yet the friends of the policy of active interest were determined in their demands upon the government for early intervention in behalf of the settlers. They persistently demanded that notice be given to Great Britain of the termination of the agreement of 1818–1827. Interest in Congress was stimulated by the information imparted to it by Linn that the British were importing regular settlers into the country. Congress could not agree upon the provisions of Linn's bill for the incorporation of Oregon, some of its members objecting to the inducement held out to settlers by the promise of land grants, while others regarded this feature as the soul of the bill. Calhoun thought it was impolitic to take radical action at this juncture. He proposed for the United States a policy of "wise and masterly inactivity." He pointed out that this was the surest way to secure ultimate peaceful possession of the territory. It is curious to find McDuffie taking his stand against the bill upon the ground that if the barrier of the Rocky Mountains could be swept away for five dollars, he would be opposed to the appropriation of that sum as the dispersing of the population over vast tracts of land must inevitably lead to semi-barbarism. Webster occupied a

conservative position on the question. On November 28th, in a letter to Everett, he said: "I doubt whether she [Great Britain] can contemplate any considerable colonization in those regions. I doubt exceedingly whether it be an inviting country for agricultural settlers. At present there are not above seven hundred white persons on the whole territory, both sides of the river from California to latitude fifty-four, and about twenty thousand Indians." It is said that Webster was actually in a mood to yield the claims of the United States if Great Britain would show a disposition to adjust the disputes regarding the boundary of Maine and the question of the cod fisheries. But Marcus Whitman, a missionary pioneer, succeeded in preventing Tyler from concurring in this plan by offering to lead a caravan overland to Oregon, in order to demonstrate that the Rocky Mountains were not an impassable barrier to the Oregon country. Whitman's conduct of a caravan of two hundred wagons from Missouri to Oregon made an impression that did much to decide the question, and Frémont's discovery of the easy South Pass over the mountains decided the feasibility of settling Oregon. The West gave itself vigorously to the project.

In 1843, the Senate was called upon to consider the Oregon question through a motion made on December 28th, to request the president to submit to the Senate the instructions he had sent to the American ambassador in London since March 4, 1841. On January 8, 1844, a motion was introduced to request the president to give notice of the termination of the convention of 1818–1827. The resolution met defeat, as did others bearing upon the same subject. The matter was by this time, the early spring of 1844, undergoing diplomatic consideration, Pakenham, the British minister at Washington, and Calhoun being engaged in making strong the claims of their respective governments. Neither wished to continue the *status quo*, but neither was inclined to accept either of the alternatives which would follow upon disturbing it—concession or war.



Abigail Powers Fillmore.



Millard Fillmore.



Miss Fillmore.

That of the president is from the painting by G. P. A. Healy in the Corcoran Gallery, Washington. Those of Mrs. and Miss Fillmore are in possession of members of the family.

On January 15th, Pakenham informed Calhoun that he was authorized to propose arbitration as a settlement of the question, but on January 21st Calhoun declined a proposition of the British minister on the ground that the president thought it better to seek an adjustment of the suit by direct negotiations. This was the situation at the time Polk entered into office. But Polk in his inaugural address asserted the full claim of the Americans. His words in this connection constituted a direct challenge to Great Britain on the Oregon question: "Nor will it become in a less degree my duty to assert and maintain, by all constitutional means, the right of the United States to that portion of our territory which lies beyond the Rocky Mountains. Our title to the country of the Oregon is 'clear and unquestionable,' and already are our people preparing to perfect that title by occupying it with their wives and children. But eighty years ago population was confined on the west by the ridge of the Alleghanies. Within that period—within the lifetime, I might say, of some of my hearers—our people, increasing to many millions, having filled the eastern valley of the Mississippi, adventurously ascended the Missouri to its head springs, and are already engaged in establishing the blessing of self-government in valleys of which the rivers flow to the Pacific. The world beholds the peaceful triumphs of the industry of our emigrants. To us belongs the duty of protecting them adequately wherever they may be upon our soil. The jurisdiction of our laws and the benefits of our republican institutions should be extended over them in the distant regions which they have selected for their homes. The increasing facilities of intercourse will easily bring the States, of which the formation in that part of our territory cannot be long delayed, within the sphere of our federative Union. In the meantime, every obligation imposed by treaty or conventional stipulation shall be sacredly respected."

Thus the question stood upon the assembling of Congress, December 1, 1845. But the American people had

already determined upon the acquisition of Oregon to the Union. The quiet forces of settlement and American industry were at work welding the new region to the old States. Treaties were not destined to direct the settlement of the great issue of the Northwest boundary. As best they could but register the established facts of peaceful conquest of the disputed region. President Polk in his first annual message of December 2, 1845, informed Congress that a proposition had been offered to and rejected by the British plenipotentiary which repeated the offer of the parallel of forty-nine degrees of north latitude that had been made by two preceding administrations, but "without proposing to surrender to Great Britain as they had done the free navigation of the Columbia River"; and he declared that "all attempts at compromise having failed," it now became "the duty of Congress to consider what measures it may be proper to adopt for the security and protection of our citizens now inhabiting, or who may hereafter inhabit, Oregon, and for the maintenance of our just title to that territory." In view of these facts the president recommended that Congress should grant the administration authority to terminate the convention of August 6, 1827, by giving the British government the requisite twelve months' notice. The recommendations of the president were discussed at great length in Congress. Calhoun in the Senate continued to advocate the policy of inactivity which he had favored while secretary of state. The character of the discussion was largely moulded by the pecuniary and sectional interests of the participants. Fear was expressed that such a course would involve the country in war with Great Britain, with consequent financial embarrassment, and possible destruction of the foreign commerce of the country. The speeches of the Southern representatives showed unmistakable evidence of a willingness to surrender a portion of the territory. On February 9, 1846, the resolutions passed the House by a decisive majority—one hundred and sixty-three affirmative and fifty-four negative

votes. The resolutions were adopted by the Senate on April 16th by a vote of forty to fourteen. An amendment introduced in the Senate was all-important, for the Senate aimed to throw the entire responsibility upon the president. The House refusing to concur in the Senate amendment the resolutions were committed to a conference committee of the two bodies. As usual the Senate yielded little; the House much. As finally agreed upon the resolutions were as follows: "With a view, therefore, that steps be taken for the abrogation of the said convention of the 6th of August, 1827, in the mode prescribed in its second article, and that the attention of the governments of both countries may be the more earnestly directed to the adoption of all proper measures for a speedy and amicable adjustment of the differences and disputes in regard to the said territory—

"Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he is hereby, authorized, at his discretion, to give to the government of Great Britain the notice required by the second article of the said convention of the 6th of August, 1827, for the abrogation of the same."

On April 28th, the notice which Congress had authorized the president to give was transmitted to the British government through the American minister at London. Mr. Pakenham, in anticipation of this action on the part of Congress, had already opened a conciliatory correspondence with the secretary of state, in which he offered to accept the terms of settlement which he had emphatically refused a few months previous. Or, as an alternative proposition, he suggested the reference of the question to arbitration. The British government, recognizing the drift of American sentiment, submitted a compromise recognizing the forty-ninth degree as the boundary line, but reserving to Great Britain the whole of Vancouver Island and the free navigation of Columbia River for the trading ships of the

Hudson's Bay Company, but not for British subjects generally. A treaty to this effect was signed at Washington on June 15th, and ratified by the Senate on the 18th.

Stephen A. Douglas, of Illinois, the chairman of the House Committee on Territories, reported on August 6, 1846, a bill organizing the Territory of Oregon. Referred to the Committee of the Whole, it was here amended by the addition of a clause providing that "neither slavery, nor involuntary servitude shall ever exist in said territory, except for crime whereof the party shall have been duly convicted." The bill passed the House, with this suggested amendment, by a vote of one hundred and eight to forty-four. The nays were all Southern, with one or two exceptions. The session closed without any positive action on the part of the Senate. When Congress reassembled on December 7, 1846, Douglas again reported the Oregon Territorial government bill, which was passed by the House by a decisive majority, but was for the second time allowed to die in the Senate. In his third annual message, upon the assembling of the Thirtieth Congress, December 7, 1847, President Polk invited the attention of Congress to the necessity of establishing Territorial government in Oregon, and deplored the fact that "our citizens who inhabit that region are still left without the protection of our laws." In a special message of May 29, 1848, he again urged upon Congress the importance of immediate action, concluding with the warning that further delay would in all likelihood "prove destructive to the white settlements in Oregon." In response to the president's appeal, the House took up the discussion in earnest, and on August 2d the bill was passed. In the Senate, an amendment offered by Douglas, recognizing the Missouri line as rightfully extending to the Pacific, was adopted and the bill as amended passed. On August 11th, the House rejected the Senate's amendment, and the next day the Senate receded from its position and passed the bill as it had originally come from the House by a vote of twenty-nine to twenty-five, all the negative votes being cast

by senators from the slave States; so the bill became a law and Oregon a Territory under the original Dane Proviso against slavery.

We have already seen that President Polk in his first message recommended tariff legislation, and the report of his secretary of the treasury was to the same effect. The principle of protection was denounced, and the claim was made that duties should be levied upon imports for revenue only. They took issue with the Whigs, the advocates of a protective tariff, and with Webster, who asserted that a high tariff occasioned high wages and kept workingmen employed. The views of the administration are contained in the following recommendations taken from the report of the secretary of the treasury: "first, that no more money should be collected than is necessary for the wants of the Government, economically administered; secondly, that no duty be imposed on any article above the lowest rate which will yield the largest amount of revenue; thirdly, that, below such rate, discrimination may be made, descending in the scale of duties; or, for imperative reasons, the article may be placed in the list of those free from all duty; fourthly, that the maximum revenue duty should be imposed on luxuries; fifthly, that all minimums, all specific duties, should be abolished, and *ad valorem* duties substituted in their place, care being taken to guard against fraudulent invoices and undervaluation, and to assess the duty upon the actual market value; sixthly, that the duties should be so imposed as to operate as equally as possible throughout the Union, discriminating neither for nor against any class or section."

The struggle for tariff revision in the spring of 1846 was one of the hardest fought revenue contests in the history of national legislation. Washington was thronged with manufacturers and their agents, bent upon defeating the pending tariff bill. The measure that created such wide interest was a bill for the repeal of the tariff of 1842, which was brought into the House of Representatives on June 15, 1846. After a protracted discussion, the bill passed the

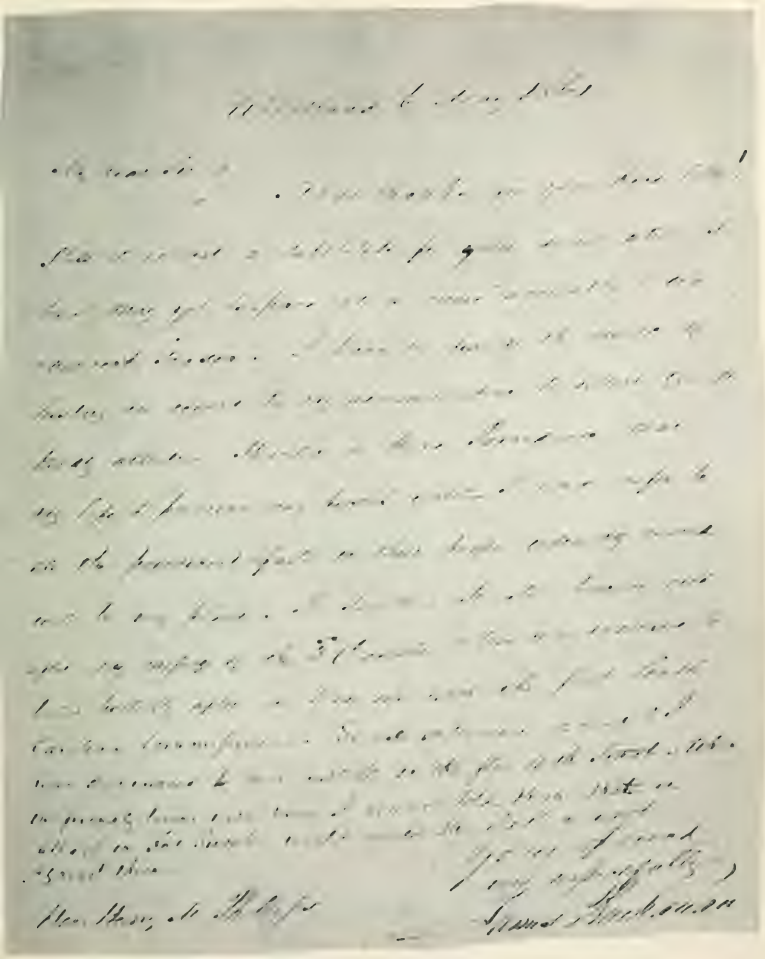
House of Representatives on July 3, 1846, by a vote of one hundred and fourteen to ninety-five, but one Whig casting a favorable vote. But the bill encountered much greater opposition in the Senate, where the resignation of a member from North Carolina almost occasioned its defeat. While the bill was pending, the commercial interests of the country were in a state of unrest, and its final passage afforded a measure of relief even to its opponents. The fate of the measure fell to Vice-president Dallas to decide. In giving the reasons for the favorable vote he was about to cast, the vice-president said: "The system for obtaining the revenue necessary to support their Government is established, directly or indirectly, by the people of the United States, within the limits, and agreeably to the prescribed forms of the Constitution. . . . To my mind, ample proof has been furnished that a majority of the people and of the States desire to change, to a great extent, in principle, if not fundamentally, the system heretofore pursued in assessing the duties of foreign imports. That majority has manifested itself in various ways, and is attested by its representatives in the other House of Congress, by whom this bill has been approved, and whose votes undeniably indicate the popular sense in the large proportion of eighteen out of twenty-eight States." The date of the passage of the bill in the Senate was July 28th. As the tariff question was the great domestic measure of reform during Polk's administration, the passage of this bill, which represented the views of the president, was a personal triumph for Polk. The adjustment of the tariff had been a problem that had vexed party councils for thirty years, and had engaged the minds of the best thinkers of the country, in and out of Congress. Naturally, the men who had been benefited by the protective tariff fought for its maintenance, while the agricultural classes as ardently demanded free trade. The cry of "home industry" rallied to the support of the protective tariff "the cotton manufacturer, the ironmaster, the sugar planter, the salt manufacturer," and all other branches

of industry that were fostered by the imposition of excessive duties upon imports.

Another act of this first Congressional session of Polk's administration was a revival from that of Van Buren. This was the passage of an independent treasury bill on August 6, 1846. Polk had recommended legislation of this nature in his opening message to Congress. With the passage of this bill the project which five years before had overwhelmed a Democratic president and his party attained a final endorsement. State banks were to be conducted under State regulations and the sub-treasury features of the bill followed the original lines.

The admission of Texas into the Union precipitated war with Mexico. To enter upon war just after having reduced the national income by a tariff that cut off millions of revenue was an act of political hardihood, yet the administration and its friends took up the war with courage and determination. Indeed, they believed that the weaker republic would be easily vanquished and that the power of money in the form of bribes would be a convincing argument with the leaders of Mexico to agree to an early peace upon terms satisfactory to the United States. But Mexico, torn as she was by internal strife, nevertheless fought desperately for the integrity of her domain. The course of events leading up to the war had been rapid. Although the annexation of Texas was a bloodless achievement, more than one field of battle was imbued with blood as the consequence of that annexation. In October, 1845, the Mexican government had been apprised of the desire of the new executive to send an envoy to that country clothed with full powers to adjust the questions pending between the United States and that republic. The Mexican secretary of state responded that he would receive a commissioner from the United States coming to offer reparation for the wresting of Texas from his country's control. Construing this response in the widest manner, President Polk sent John Slidell, of Louisiana, to the Mexican capital. The speedy coming of the

American commissioner was a matter of surprise to the Mexican government, as it thought that the commissioner would not be named until after the assembling of Congress at Washington. That government desired peace, but the people felt that they had suffered an unpardonable offence at the hands of the United States and the government wished time to appease them before the coming of the American commissioner. Accordingly, the minister of foreign affairs intimated to the American consul, John Black, that it was desirable for the American commissioner to remain away from the capital for the present. Black therefore repaired to Slidell, at Pueblo, and advised him as to the state of affairs, but Slidell would not delay his mission. On December 8th he presented himself to Pena y Pena as envoy extraordinary and minister plenipotentiary of the United States, and sought an opportunity to present his credentials to President Herrera. After some delay, on December 16th, Slidell was informed that his credentials did not conform to the agreement that had been made with Consul Black, and their discrepancy would have to be passed upon by the council of government. Slidell, on December 20th, again called the attention of the Mexican government to his presence, and Pena y Pena replied the same day by a formal note, in which he set forth reasons why Slidell could not be accepted as an ambassador. These reasons centred in the demand of Slidell that not only the Texas question, but all matters at issue between the two governments should be recognized by Mexico as within the scope of his powers to adjust with that government. On December 27th, in a letter to Secretary Buchanan, Slidell expressed the fear that he had not dealt severely enough with the Mexican government "for its unparalleled bad faith, its gross falsification of the correspondence which led to my appointment, and the utter futility of the miserable sophistry by which it attempts to justify its conduct." As a matter of fact, Slidell had come to the Mexican capital in quite a different capacity from that which the Mexican government had intimated



Letter from James Buchanan. *From the original in possession of the Historical Society of Pennsylvania.*

would be agreeable to it. In the meanwhile the war fever was rapidly growing in Mexico, while in the United States measures had been taken in preparation for what was looked upon as an inevitable conflict.

On January 13, 1846, General Taylor received orders to advance to the Rio Grande with all his force without needless delay. The fall of Herrera was imminent, and Polk expected that event to be followed by aggressive action on the part of Mexico. In his war message of May 11th, Polk defended his order of January 13th, as necessary for the defence of the country, as an invasion had been threatened by the Mexicans. Herrera had fallen on December 30th, on account of, he declared, his negotiations with the United States commissioner. As the president was not aware of the fall of Herrera or any other matter indicating the political conditions in Mexico, his order of January 13th was manifestly not called forth by military necessity, but by political considerations. It would be unprofitable to delve into the political plots of the day in search for the specific considerations which weighed most with the president in this action. Yet we cannot pass over the fact that events point to the final utterance of Slidell's report of December 27th, as having been written in perfect accord with the administration. That utterance was as follows: "The desire of our government to secure peace will be mistaken for timidity, the most extravagant pretensions will be made and insisted upon, until the Mexican people shall be convinced, by hostile demonstrations, that our differences must be settled promptly either by negotiations or the sword." Mexico had the moral support of Great Britain, and in the event of war with the United States might possibly count upon that country's aid. So the administration at Washington realized that it had to deal not with Mexico alone, and it was important that Mexico should be overawed by a display of the military forces of the United States. The order of January 13th, was carefully guarded by the administration, but it could not be preserved from the knowledge of some

of those whom the president least wanted to have the information. On February 3d, a member from Virginia moved that the president be requested to furnish to the House of Representatives all documents not yet transmitted relating to Mexico. The administration leader in the House sought to prevent this and indeed succeeded for the Virginia member's resolution was voted down.

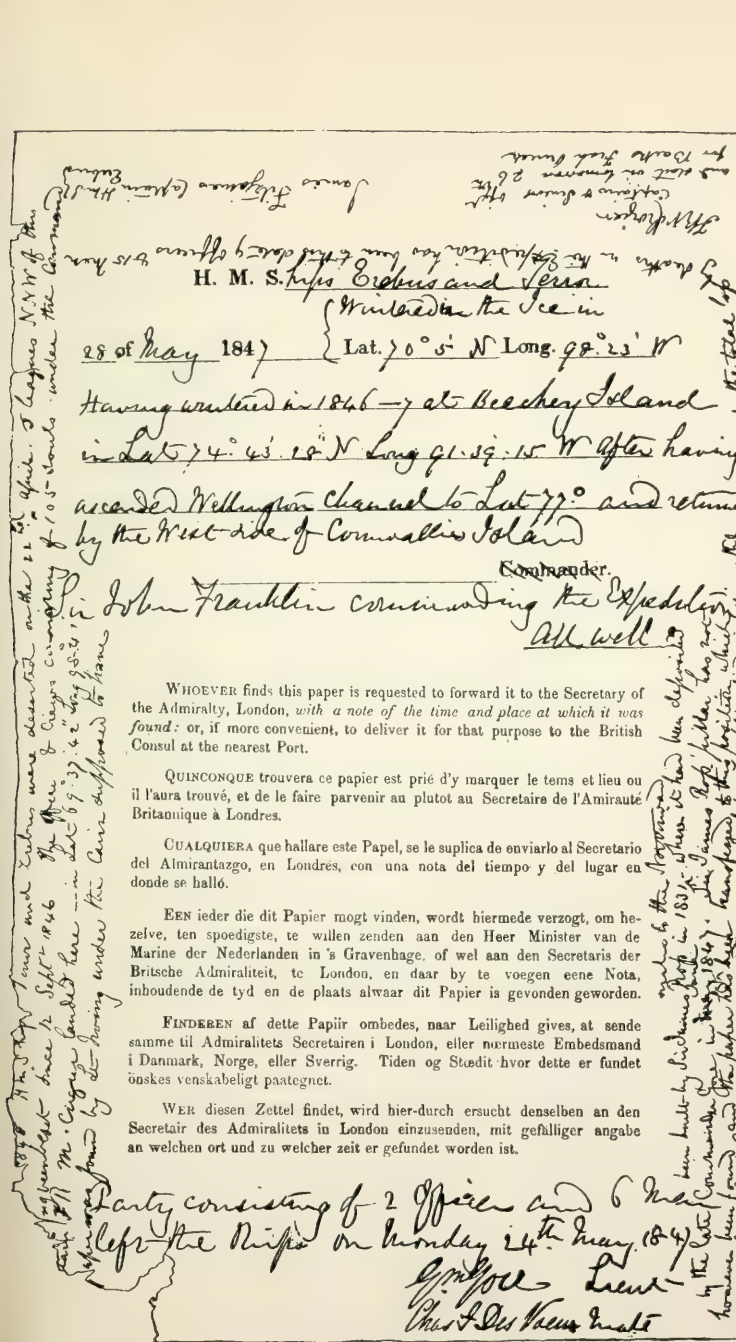
In ordering General Taylor to pass a portion of his forces westward of the river Nueces before annexation was accomplished, President Polk "put in peril the peace and good name of the country." The movement of the army from Corpus Christi to the Rio Grande, which was a distance of over a hundred miles, was an invasion of Mexican territory—an unjustified act of war, contrary to every tenet of international honor. There can be no doubt but that the order of January 13th involved the two countries in war.

The commander of the Mexican forces requested General Taylor to retire again to the Nueces. But the American general responded that he was acting under the orders of his government. Upon Taylor's refusal to withdraw to the line of the Nueces, the Mexican general, Arista, sent a military force across the Rio Grande. With the troops opposing each other at such close quarters and under conditions of such tenseness, bloodshed was inevitable. On April 23d, a small reconnoitring party of Americans was attacked by a much larger party of Mexicans and its members taken captive. In the mêlée, several Americans were killed or wounded. Early in May, General Arista crossed the Rio Grande and attacked General Taylor in force. He was defeated at Palo Alto, May 8, 1846. Prior to this, the forces of Mexico and the United States had met in an encounter in which American blood was shed—an encounter which formed the basis of a report of General Taylor to his government that hostilities having commenced a state of war existed between the two nations. The battle of Palo Alto was followed by the defeat of the Mexicans at Resaca de La Palma and Fort Brown. On the 18th,

General Taylor crossed the Rio Grande and occupied Matamoras. These important engagements occurred at the time President Polk was formulating his message to Congress upon the basis of General Taylor's communication to him after the first act of bloodshed. It will be seen that had the president possessed knowledge of the trend of military events he would have had ample justification for the war message to Congress, whose belligerent tone and sanguinary sentiments showed a readiness for combat on the part of the president out of proportion to the skirmishes which furnished the text for his communication. War was in progress and battles were being fought, but these battles were not within the executive's knowledge when on May 11th he sent his urgent message to Congress, in which he declared "Mexico has passed the boundary of the United States, has invaded our territory, and shed American blood upon the American soil," that a state of war existed and the legislative body should place at the disposal of the executive "the means of prosecuting the war with vigor."

War having been formally declared, let us notice some of the utterances upon the subject in the halls of Congress. Calhoun was opposed to the war, although his course had provoked it. He shrank from its legitimate consequences, he had trusted to diplomacy for acquiring Texas without bloodshed. Accordingly, Calhoun endeavored to make a distinction between hostilities and war, taking the position that because blood had been shed war was not necessarily enforced. Congress alone he declared was empowered to speak for the country when war must be declared in progress. Cass repelled these assertions as an absurdity, on the ground that most modern wars had begun without a formal declarative act. It was evident that war was popular with the South. Even the Southern Whigs were strongly in favor of its prosecution. The Northern Democrats supported the position of their Southern colleagues, showing that the slave motive was behind the popularity of the war measure. A bill was introduced into the House by the

chairman of the Committee on Military Affairs authorizing the president to accept the services of fifty thousand volunteers and providing an appropriation of ten million dollars. The same differences of opinion that had found expression in the Senate were evident in the House. Those who shrank from the alternative of war with Mexico maintained that the United States had not experienced an actual rupture of relations with Mexico. The president's supporters who had enjoyed his confidence in the matter of the order to General Taylor to advance to the left bank of the Rio Grande were determined that Congress also should endorse that action and should bear a share of their responsibility. Linn Boyd, a Democrat from Kentucky, offered as a substitute for the first section of the bill a declaration that "by the act of the Republic of Mexico a state of war exists between that government and the United States." This amendment was accepted by a vote that followed party lines very closely, and the bill thus amended was passed almost unanimously, only fourteen dissenting votes being cast. The minority had found a spokesman in the person of Garrett Davis, of Kentucky, who protested against perverting the facts of history by declaring that Mexico began the war. On the 12th of May, the amended bill was reported to the Senate by Mr. Benton, chairman of the Committee on Military Affairs. Attempts were made to arrest its passage by proposed amendments and modifications, but it was passed as submitted on the same day by a vote of forty to two. The feeling of the minority in both the House and the Senate is well expressed in the words of Giddings, the Whig leader of the House: "Thus has Congress surrendered its honor, its independence, and become the mere instrument of the executive, and made to endorse this presidential falsehood. . . . On this great and momentous subject of peace and war, involving the lives of thousands of our fellow citizens, and the welfare of two mighty nations, we were not permitted to deliberate, to speak, or to compare our views. No member was allowed to express



H. M. S. Erebus and Terror

Wintered in the Ice in

28 of May 184) Lat. 70° 5' N Long. 98° 23' W

Having wintered in 1846 — 7 at Beechey Island

in Lat 74° 43' 28" N Long 91° 39' 15" W after having

ascended Wellington Channel to Lat 77° and returned

by the West side of Cornwallis Island

Commander.

Sir John Franklin commanding the Expedition.

All well

WHOEVER finds this paper is requested to forward it to the Secretary of the Admiralty, London, *with a note of the time and place at which it was found:* or, if more convenient, to deliver it for that purpose to the British Consul at the nearest Port.

QUINCONQUE trouvera ce papier est prié d'y marquer le tems et lieu ou il l'aura trouvé, et de le faire parvenir au plutot au Secretaire de l'Amirauté Britannique à Londres.

CUALQUIERA que hallare este Papel, se le suplica de enviarlo al Secretario del Almirantazgo, en Londres, con una nota del tiempo y del lugar en donde se halló.

EEN ieder die dit Papier mogt vinden, wordt hiermede verzogt, om hezelve, ten spoedigste, te willen zenden aan den Heer Minister van de Marine der Nederlanden in 's Gravenhage, of wel aan den Secretaris der Britsche Admiraliteit, te London, en daar by te voegen eene Nota, inhoudende de tyd en de plaats alwaar dit Papier is gevonden geworden.

FINDEREN af dette Papiir ombedes, naar Leilighed gives, at sende samme til Admiralitets Secretairen i London, eller nærmeste Embedsmand i Danmark, Norge, eller Sverrig. Tiden og Stædit hvor dette er fundet önskes venskabeligt paategnet.

WER diesen Zettel findet, wird hier-durch ersucht denselben an den Secretair des Admiralitets in London einzusenden, mit gefälliger angabe an welchen ort und zu welcher zeit er gefundet worden ist.

Party consisting of 2 Officers and 6 Men

Left the Ships on Monday 24th May 1847

Lieut

Chief Officer

his dissent or to state his objections to an act which is to tell upon the future destiny of civilized man. With indecent haste, with unbecoming levity, under the gag of the previous question, our nation is plunged into a bloody war for the purpose of conquest and the extension of slavery." Nevertheless, the haste of the executive and of Congress in committing the country to war had the effect of opening the eyes of the North to the full meaning of the conflict. It was seen that the overmastering motive of those who favored the war was the acquirement of slave territory. The specious argument that the territorial extension of the country carried with it the enlargement of the area dominated by American liberties is reflected in the speech of William D. Giles, of Maryland, in the House during this Congress. "I take it for granted that we shall gain territory, and must gain territory, before we shut the gates of the temple of Janus. We must have it. Every consideration of national policy calls upon us to secure it. We must march right out from ocean to ocean. We must fulfil what the American poet has said of us, from one end of this confederacy to the other:

> "'The broad Pacific chafes our strand.
> We hear the wide Atlantic roar.'

"We must march from Texas straight to the Pacific Ocean, and be bounded only by its roaring waves. We must admit no other government to any partition of this great territory. It is the destiny of the white race, it is the destiny of the Anglo-Saxon race; and, if they fail to perform it, they will not come up to that high position which Providence, in his mighty government, has assigned them."

The cry had now gone throughout the country that there was a plot to convert the acquired territory and all territory that should come to the United States by the fortunes of war into additional slave States. So far as Texas was concerned its status was fixed as slave territory, but the North was alarmed at the prospect of further extensions

of the institution of slavery. In the session of December, a bill had been introduced into the House appropriating three million dollars for the purpose of peace negotiations with Mexico. The opponents of slavery extension grasped the opportunity which this bill afforded to secure legislative expression of their anti-slavery position. Representative Brinkerhoff, of Ohio, during the debate upon the measure drafted an amendment which he gave to David Wilmot, a Democratic member from Pennsylvania, to introduce. This amendment, which became known as the Wilmot Proviso, provided that "As an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty to be negotiated between them, and to the use by the executive, of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall be first duly convicted." Wilmot accompanied his amendment with an earnest speech in which he declared himself to be in harmony with the war policy of the administration and in favor of the acquisition of New Mexico and California, that he desired fresh territory but that it must be preserved from the aggressions of slavery. And he added: "When, in God's name, will it be time for the North to speak out, if not now? If the war is not for slavery then I do not embarrass the administration with my amendment; if it is for slavery, I am deceived in its object." A vote of eighty-three to sixty-four was registered in the House in favor of the Proviso. But the bill reached the Senate in the closing hour of the last day of the session, and the time was too short to secure any positive action.

Acting upon the authorization of the House, the president had issued a call for volunteers which met with ready response. To the questions evolved in the House upon matters of propriety, the people in all parts of the country with the exception of New England showed their devotion to the administrative policy of war by the catch-phrase

"our country, right or wrong." After the occupation of Matamoras by General Taylor, the American army made no further advance until late in August. Steadily and in the face of determined resistance, he moved in the direction of Monterey, taking that stronghold by an engagement lasting from September 21st to 23d, which was a brilliant exhibition of fighting prowess, not only on the part of the Americans, but of their opponents as well. By this accomplishment, Taylor secured strong intrenchment one hundred and seventy miles west of Matamoras. He was well advanced along the highway to the Mexican capital.

On January 11th, 1847, General Winfield Scott succeeded General Taylor in command of the American forces in Mexico, the latter returning to Monterey to direct the operations of the army of occupation. Tampico was already in the possession of the Americans, having been captured by Commodore Connor, and General Scott pressed forward to attack Vera Cruz. On March 22d, the investment of the city was complete. Upon Scott's formal demand for surrender, the defending force made prompt refusal. For four days the Americans bombarded the city and the Castle of San Juan de Ulua. The city surrendered on the 29th. Santa Anna, the Mexican commander, having reorganized his army, marched from the City of Mexico with a force of twelve thousand men. Intrenching himself at Cerro Gordo, a defile in the mountains sixty miles from Vera Cruz, he awaited the approach of Scott, with an effective force of eight thousand five hundred men. The battle took place on April 18th and in spite of superior numbers and stubborn resistance, by noon the Americans had swept through the contested pass, chasing the Mexicans before them. Besides three thousand prisoners, including five generals, the victors secured forty bronze cannon. The casualties on the Mexican side were fully one thousand, while the American loss was but four hundred and thirty-one. By May 15th, a further advance had carried one division of the American army into Puebla,

which city the four thousand men composing the army of occupancy held in the face of sixty thousand hostile citizens.

The Americans were now within seventy-five miles of the Mexican capital, and Scott, willing to spare the sensibilities of his enemy and to make attack upon the City of Mexico unnecessary, appealed to Santa Anna to surrender. This the Mexican general scorned to do. His countrymen supported him in his last stand by liberal contributions and almost every able-bodied man enlisted under his standard, bringing his force up to thirty-six thousand men. Scott's army, although depleted by the discharge of some regiments, was augmented to ten thousand seven hundred and thirty-eight men by the arrival of reinforcements under General Pierce. On August 10th General Scott moved to the assault of the city. It was a daring undertaking, because of the natural strength of the Mexican capital, its splendid fortifications, and its garrison of select troops. On August 20th the hill of Contreras was taken by an unexpected and desperate assault, the attacking force numbering four thousand five hundred, the defence seven thousand men. On the same day the strong positions of San Antonio and Churubusco were carried. Having taken the outer lines of defence, the American advance was halted, and on August 23d an armistice was entered into pending the possibility that the city would capitulate upon the terms of the United States without further bloodshed. This expectation was not realized, and on September 7th the contest entered upon its last stage. After desperate hand-to-hand fighting, the defences of Molino del Rey were taken on September 8th, the Castle of Chapultepec on the 13th, and the following day the Mexican army evacuated the capital, General Scott making his entry into the City of the Montezumas.

With the surrender of the City of Mexico on September 14, 1847, the war with Mexico was brought to a close, and upon the 2d of the following February the treaty of peace was signed at Guadalupe Hidalgo. New Mexico and Upper California were ceded to the United States in

JOHN C. CALHOUN

Photogravure after the painting by Rembrandt Peale, in possession of Mrs. Thomas Frost.



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consideration of the payment of fifteen million dollars. On February 22d, President Polk sent the treaty to the Senate for ratification. After three weeks of discussion, the final vote was reached on March 10th, the opposition lacking but three votes of defeating ratification. On May 30th the ratifications of the treaty were exchanged at Queretaro, Mexico, and President Polk issued a proclamation of peace upon the Fourth of July, 1848.

Upon the meeting of the Thirtieth Congress, in its first session in December, 1847, Robert C. Winthrop, of Massachusetts, a Whig member, was elected Speaker of the House. He was a man of capacity, of culture, and of character; he had political experience and was well fitted to direct the discussion of the House. Early in the session Harvey Putnam, a Whig member from New York, introduced a resolution prohibiting slavery in the territory that should be acquired from Mexico. This resolution came up for consideration in February, when, upon the motion of Richard Broadhead, a Democrat from Pennsylvania, it was laid upon the table. But the question of the status of the territory won from Mexico continually entered into the discussion of the House. Quite an ingenious proposition was that of John M. Clayton, of Delaware, who [July, 1848] proposed a compromise, so called, by which Oregon, California, and New Mexico should be comprehended in one measure, leaving the question of slavery to be determined by the Supreme Court. He, however, received little support for his plan. At the opening of the second session of this same Congress the territorial question again forced itself upon the attention of the House. Joseph M. Root, of Ohio, introduced a resolution instructing the Committee on Territories to formulate and introduce bills providing forms of government for New Mexico and California, with the exclusion of slavery. This resolution was adopted with the concurrence of the Democratic members from the free States, with but eight exceptions. This action was followed by a bill for the organization of a government for California and also a bill for the organization

of New Mexico. These proposals received full discussion, but no positive action was taken. So that when Polk retired from the presidency he left unsolved the problem of whether the new territory should or should not be open to slavery.

CHAPTER V

ADMINISTRATIONS OF TAYLOR, FILLMORE, AND PIERCE

Aside from the operation of the Fugitive Slave Law, whose effects continued to be felt during Fillmore's administration, and which remained to irritate the North until the breaking out of the Civil War, there are matters relating to the administration of Taylor which need to be mentioned. Furthermore, it will be convenient to include in this chapter the administrations of Taylor's immediate successors, omitting only matters relating to the paramount question of slavery. One thing in particular was significant of a trend in national development, whose full result was to be experienced long after the cementing of the sections had occurred. The year 1850 is noteworthy because of a peaceful achievement of potent importance. It was in that year that the Clayton-Bulwer treaty was negotiated. The construction of a ship canal to bring together the waters of the Atlantic and the Pacific had been an early dream of the century. It had been thought upon by the more serious and far-sighted statesmen, of whom Henry Clay was one. Clay, in one of his diplomatic instructions, wrote, that should such a canal be constructed, "the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe." The administration of President Jackson advocated the construction of a transcontinental waterway, and President Polk took a determinative step when he negotiated a treaty with New Granada, by the terms of which the United States guaranteed the

neutrality of the Isthmus of Panama, and advocated the construction of a canal or railroad across the isthmus, to be open to all nations on the same terms. Of routes there were three to choose from,—the Panama, the Nicaragua, and the Tehuantepec. At the time that John M. Clayton entered upon the duties of the state department, the Nicaragua route was commonly before the attention of the public, because of the fact that two companies of capitalists, one a British, and the other an American company with Commodore Vanderbilt at its head, were competing to secure from the government of Nicaragua a grant for the construction of a ship canal. The American company sought the aid of the United States government. Such a project, once broached, called up a mass of difficulties related to the project, but having their origin in the far past. Long before the American Revolution, a difference had occurred between Nicaragua and the British government which now arose to complicate the canal project. Great Britain had a settlement at Belize, in the Bay of Honduras, and had assumed a protectorate over the Mosquito Indians, whose habitat was a thin strip of the coast edging the Caribbean Sea. In this claim was involved the British and Nicaraguan contention, for Great Britain claimed that San Juan came within the limits of its protectorate, and Nicaragua denied the claim. In 1848 Great Britain adopted summary methods, sending ships of war up San Juan River to storm the fort and take possession of the town, a feat easy of accomplishment. This action on the part of Great Britain was not viewed with complacency by the United States government, as the two great maritime powers each sought exclusive advantage to itself in reference to the opening of this route of interoceanic communication. The time was ripe for an adjudication of their respective claims, or a pooling of the question in the form of a compromise. This was the situation which led to the negotiation on April 19th of the famous treaty between Secretary Clayton and Henry Lytton Bulwer, the British minister. The purpose of the treaty was to facilitate

and protect "the construction of a ship canal between the Atlantic and Pacific Oceans" by the Nicaragua route.

By its terms both governments were pledged never to obtain exclusive control of that canal. They also mutually engaged to erect fortifications sufficient to command the route in their interests and not to colonize or in any other way seek to obtain dominion over Nicaragua, Costa Rica, the Mosquito coast, or any other portion of Central America. They also engaged to protect any company that should undertake the work of constructing the canal and to bring such friendly pressure to bear upon the Central American governments as should be necessary to have them facilitate its construction. The United States and Great Britain agreed to guarantee the neutrality and security of the canal when completed, so long as no unfair discriminations were made or excessive tolls exacted. And they invited all friendly States to enter into similar stipulations with them, as they avowed their intention to be the maintenance of ship communication between the two oceans for the benefit of mankind on equal terms. One provision of the treaty expressed the desire of the negotiating governments not only "to accomplish a particular object, but to establish a general principle, and they agreed to extend their protection by treaty stipulations" to canals or railways whose routes might lie by way of Tehuantepec or Panama. Preliminary to the exchange of ratifications of the treaty the British minister notified the American secretary of state that he was instructed to insist that the stipulations of the treaty did not apply to Belize, which was commonly styled British Honduras. Before replying, Mr. Clayton conferred with William R. King, the chairman of the Committee on Foreign Relations, and was assured by him that the Senate fully understood that the stipulations of the treaty did not cover British Honduras. Being so informed, Clayton replied to the British minister, assenting to his position. The treaty was popular with the Senate and received a vote for ratification of forty-two against a negative vote of ten. The

treaty was quite in line with the traditional position of the United States with regard to unrestricted trade. But it was not so lucidly phrased that it did not at subsequent periods give rise to misunderstanding between the two governments. Three years had hardly elapsed before the Clayton-Bulwer treaty was animadverted upon on the floor of the Senate, while, as we shall have occasion to note, during the administrations of Pierce and Buchanan it caused unpleasant feeling in the diplomatic relations between the United States and Great Britain. From that time, the treaty was allowed to remain in the archives of the state department undisturbed until the government of France gave encouragement to a project for the construction of a canal across the Isthmus of Panama, for the accomplishment of which a French company, under Count de Lesseps, was formed in 1879. From that time the wisdom of this government in entering into a perpetual engagement with Great Britain in such broad terms of general right in the matter of constructing a canal across American territory was severely criticised. In the famous debate in the Senate during January and March, 1853, Seward, Clayton, and Everett, who were in the Senate at the time the treaty was negotiated, spoke vigorously in its defence. Douglas severely criticised it and Cass censured Clayton for his "unprecedented error" in coming to an understanding with Bulwer which changed the construction and the "vital point" of the treaty without the knowledge of the Senate. We need not go further into the controversy with regard to this celebrated project, as the rapid course of events gave to the administrations of President McKinley and President Roosevelt the achieving of the desire of Clay and his co-prophets of America's commercial greatness.

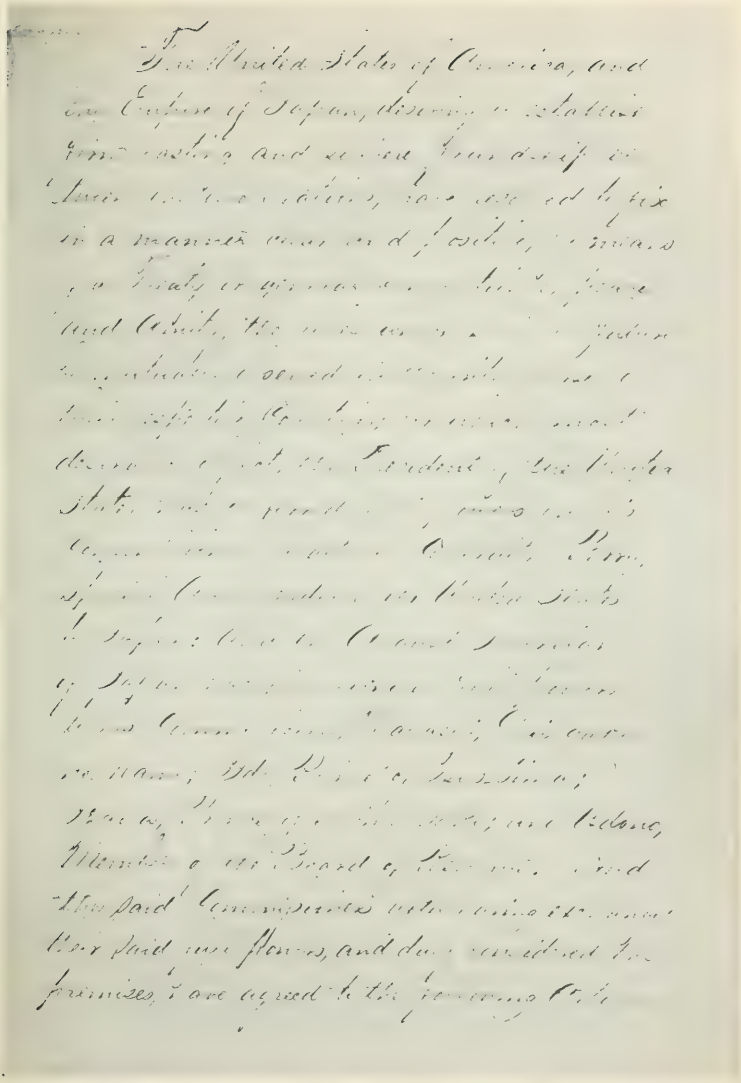
Another matter of congressional legislation which requires mention in connection with Taylor's administration was the adjustment of the Galphin claim. This claim originally was upon Georgia, and dated back to a period prior to the Revolutionary War. George W. Crawford, secretary of war under General Taylor, undertook, in 1835,

to collect the money for the claimants, and was to receive a contingent fee of one-half of the claim. He first pressed it upon the Georgia legislature, but without success. It later appeared as a claim against the United States and toward the end of the session of 1848 it was slipped through the House during a night sitting, when the members were wearied with extended discussions and the heat of hot August days. The bill for the payment of this claim directed the secretary of the treasury to make examination of it and to pay to the claimants the sum due. Toward the close of Polk's administration, Crawford, in behalf of his clients, received the sum of $43,518.97, being the amount of the principal of the claim without interest. When Crawford became secretary of war he urged the collection of interest and the matter was submitted by the secretary of the treasury to the comptroller, who passed it on to the attorney-general for a legal opinion. That official decided that the interest should be paid, whereupon the treasury paid the claimant interest which amounted to $191,352.89. The attorney of record received $3,000, and Crawford one-half of the remainder. This transaction called forth protests from the press of the country, and, as this was joined in by an administration journal, Crawford demanded an investigation from the House, which appointed a committee that in turn reported that the payment of the interest was not conformable to the law and precedent. It transpired that Crawford had not stated the facts fully to the president, and had withheld from the secretary of the treasury and the attorney-general information of his intimate relation to the claim. Nevertheless the connection of an administration official with the Galphin claim was severely commented upon in the House. It was openly charged that the president and other members of the Cabinet had "connived at and sanctioned the enormous allowance" to Crawford.

This matter was a most painful one to President Taylor, and had he lived he would no doubt have made the changes

in his Cabinet which the case imperatively required. But the president was not to live to adjust the matter. Upon the morning of the 4th of July, 1850, Taylor apparently was in perfect health and attended the Independence Day exercises at the Washington Monument. But the day was intensely hot, and by evening the president had developed symptoms which were diagnosed as those of typhoid. Upon the 9th the president succumbed to the disease. Of the effect produced upon the country by the death of Taylor, Seward said: "I never saw grief, public grief, so profound." Politically, the anti-slavery Whigs and the Free-soilers were most affected, for in Taylor they had lost their leader. As it was, upon his death and the accession of Fillmore a new Cabinet was appointed and interest in the Galphin claim died out.

Millard Fillmore, the new president, was a man of the people. His ancestors had given gallant service for the formation and the preservation of the Republic and had left to their descendants that indomitable spirit which distinguished the American pioneer. The child who was to be the thirteenth president of the United States was born in Cayuga County, New York, a part of the country which was then thought of as the "far west." In the cabin home in which the boy grew up, the only books were the Bible and a collection of hymns, and the school privileges were those afforded by the summer term of three months. But, by perseverance and by taking advantage of the least opportunities, Fillmore obtained an education, and when he was nineteen was enabled through the kindness of a country lawyer to begin the study of law. In less than four years he was admitted to the bar of Buffalo and then rose rapidly until the firm of Fillmore, Hall, and Haven was one of the best-known firms in western New York. He served in the State legislature and in the Congress of the United States as chairman of the Committee of Ways and Means. His further preparation for the office of president was obtained in his service as comptroller of the State of New



First and last pages of the treaty of peace and amity with Japan, signed by Commodore Perry only, March 31, 1854. *From the original in the Department of State, Washington.*

In faith whereof we the respective Plenipotentiaries of the United States of America, and the Empire of Japan, have signed and sealed these Presents.

Done at Kanagawa this thirty first day of the month of May of the Year of our Lord one thousand eight hundred and fifty four, corresponding with the Seventh day of the fourth month and third day.

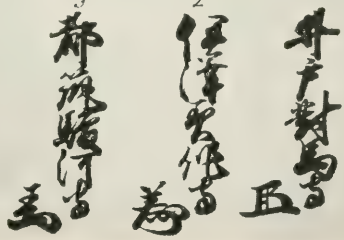
The Undersigned, Comm^r M. C. Adams
U. S. Navy, Ido Tsoesima, Ookami,
Isawa Shimasaku Okami, and
Tsoesoeki Soenoega Okami certify: -

That having this Day met for the purpose
of exchanging the ratifications of the Treaty of
peace and amity between the United States
of America and the Empire of Japan, con-
cluded at Kanagawa, on the thirty-first
Day of March, last: after due comparison
of said ratifications each with the other
and with the original of the said Treaty,
the said exchange has been effected by them.

In witness whereof, we have hereunto
set our hands and affixed our seals at
Simoda this 21st day of Febr in
the year eighteen hundred and fifty five

M. C. Adams
U. S. Navy

Seal



Ratification, dated February 21, 1855, of the treaty made by Commodore Perry in 1854. *From the original in the Department of State, Washington.*

York. In 1848 he was elected vice-president of the United States.

A circumstance in the diplomatic history of the year which saw the death of President Taylor was the incident of the Hülsemann letter. President Taylor had sent to Europe a special agent while the Hungarian Revolution was in progress under the leadership of Louis Kossuth, in order to afford recognition of Hungary at the timely moment. The Austrian government took offence at this action and a correspondence ensued between the two governments, which was pending when Webster became secretary of state under Fillmore. In September, 1850, Hülsemann, the Austrian chargé d'affaires, sent to the state department an offensive letter. No better man to respond to such a communication could have held the portfolio of state than the one who then was in charge. With courtesy and breadth of view Webster expressed in behalf of the United States the great interest felt on this side of the water in "the extraordinary events" which had occurred not only in Austria, but "in many other parts of Europe since February, 1848." He continued by remarking that this country "freely admits that in proportion as these extraordinary events appear to have their origin in those great ideas of responsible and popular governments on which the American constitutions themselves are wholly founded, they could not but command the warm sympathy of the people of this country. . . . The power of this republic, at the present moment, is spread over a region, one of the richest and most fertile on the globe, and of an extent in comparison with which the possessions of the House of Hapsburg are but as a patch on the earth's surface." The American diplomat fortified this statement by a digression upon the resources of the country and upon the provisions of its Constitution for the security of life, property, and personal rights, and continued by observing that the United States had studiously abstained from interference with the political changes in Europe, but that they

could not "fail to cherish always a lively interest in the fortunes of nations struggling for institutions like our own." Webster admitted that the phrasing of this letter had reference to persons at home, as well as to the Austrian diplomat, for he said that, although it was boastful in tone, he wished to "touch the national pride and make a man feel sheepish and look silly who should speak of disunion." The letter evoked great enthusiasm in the Senate and both parties supported the secretary of state.

In February, 1851, the honor of Webster was aspersed by Allen, a Free-soil member from Worcester, Massachusetts. An appropriation bill for the payment of the last instalment of the indemnity due to Mexico under the treaty of 1848, which matured in 1852 and amounted to three million dollars, was under consideration. This payment, as well as the previous one, was to be transferred by a syndicate of bankers of Boston, New York, and Washington. The allegation of Allen was based upon the fact that these bankers asked a half of one per cent more premium than would have been charged by the Rothschilds, with the result of an excess of cost to the government of thirty thousand dollars. Allen charged that, when the president offered Webster the position of secretary of state, the latter wrote to Boston, asking what would be done for him in a financial way, and that the brokers and bankers of Boston and New York agreed to raise for him twenty-five thousand dollars in each of the cities of New York and Boston, in compensation for his accepting the position of secretary of state. Thus barely and baldly the charge was made that Webster was a pensioner of Wall Street and State Street, and that through this corrupt deal brokers and bankers of those cities were given an opportunity to profit by timely information from the seat of the national government. The charge of Allen evoked no sympathy in the House, and, although Webster and his friends courted an investigation, the House, by an overwhelming vote of one hundred and nineteen to thirty-five, declined to enter

into the matter and passed the appropriation, which failed of ratification in the Senate only by reason of brevity of time. In the next session the appropriation was passed by both Houses without amendment. Thus was Webster fully vindicated. The only basis of the charge against the secretary of state was the fact that because of the slenderness of his means some warm friends and admirers in Boston had made him a gift of money for the extraordinary expenses of his table. Webster did not know who were the contributors, but for the most part they were men not in active business life. Nevertheless, the charge of Allen had been made, and it remained a matter of mortification and chagrin to Webster, and an occasion of unrest in the minds of many persons.

The paramount claim of slavery to time and interest in the discussions of Congress did not serve to divert the attention of the legislators from those matters which made for true and sound progress. On the 3d of March, 1851, Congress took steps to provide for the nation a cheap rate of postage. At the time of the organization of the post office department the rate of postage on a letter of a single sheet of paper was from eight to twenty-five cents, according to the distance, the minimum distance being forty miles and the maximum five hundred. The rate of postage was twice reduced, so that at the opening of this session the postage on a letter not exceeding one-half ounce in weight was five cents under three hundred miles. For over that distance it was ten cents, and by way of Panama to the Pacific territories it was forty cents. As there was a surplus in the postmaster-general's department, that official recommended that the postal rates be reduced. The president concurring in this recommendation, the subject was taken up by Congress. Some curious facts were brought out in the discussion, one of which was that while the postage on a letter from Detroit to Buffalo was ten cents, it cost no more to carry a barrel of flour between the same cities by steamboat. It was not difficult for the members of Congress to become

convinced that the recommendation of the postmaster-general for the reduction of the postal rates was in the line of true economic progress, and that body accordingly made a rate for a prepaid letter not weighing over half an ounce of three cents for under three thousand miles, and six cents for a greater distance.

During the summer of 1851 occurred an event which was significant of the responsibility which, by virtue of its proximity to Cuba, the United States necessarily felt toward that island dependency of Spain. Lopez, a revolutionary adventurer, who had twice fomented an insurrection among the Cuban people against the power dominating them, gathered about him a band of dauntless spirits for another attempt to free Cuba from the tyrannous rule of Spain. He was particularly successful in enlisting the coöperation and assistance of Southern men of means, especially a clique of citizens of New Orleans, who hoped that great wealth would accrue to them should the attempt be successful. Accordingly, Cuban bonds were issued, signed by General Narciso Lopez, "chief of the patriotic junta for the promotion of the political interests of Cuba, and the contemplated head of the provisional government, and commander-in-chief of the revolutionary movement about to be now undertaken through my agency and permissive authority for the liberation of Cuba." Those who received these bonds knew that their value was altogether dependent upon the success of the revolution, but, as the investment was upon the basis of from three to twenty cents on the dollar, it appealed to the speculative instinct. The command of the expedition was tendered to Jefferson Davis, who, deeming it inconsistent with his position as senator, recommended Robert E. Lee. But the latter, being connected with the United States Army, declined to head the enterprise. It was not difficult to get the adherence of a great many persons, for Lopez himself was sincerely convinced, and he brought others to the opinion, that the natives of Cuba were ready to revolt, and that the forces of Spain on the island



"The Hurly-burly Pot." Caricature, published in 1850, showing Wilmot, Garrison, Calhoun, Greeley, and Arnold.
From the print in the Library of Congress.

could readily be induced to join in a general insurrection. It was represented that the landing of General Lopez would be the signal for the uprising, and that the officers of Spain's navy and army stationed in Cuba would give their adherence to the insurgent cause. It was also declared that the participants in the enterprise would receive as their reward the sugar plantations of the dispossessed Spaniards. Privates were promised a sum of not less than five thousand dollars. The final purpose of the promoters of the expedition was the establishment of a Cuban republic or the annexation of the island to the United States.

But time and again the United States had given Spain hearty assurance that if she would abstain from voluntary surrender of Cuba to any European nation, this country would tender her its good offices and its good will to maintain her in possession of the island. Nor was the president disposed to hold in light esteem the pledged word of the nation. The invaders proposed to start from Savannah, but the government took energetic steps and thwarted their purpose. Only through the dereliction of the collector of the port of New Orleans did one shipload of the revolutionists succeed in leaving the shores of the United States. On August 3d the steamer *Pampero* left New Orleans, having on board Lopez and about five hundred men. The majority of this company were young men, nearly all of whom were American citizens. The expedition met with a mishap upon reaching the shores of Cuba. It ran aground, and its passengers were forced to make a landing other than at the place intended. Thus it was on the night of the 11th and 12th of August that they effected a landing sixty miles from Havana. Dividing the force into two companies, Lopez assumed command of the main body, which proceeded into the interior; while to Colonel Crittenden was intrusted the command of two hundred men, whose duty it was to remain on guard over the stores until means of transportation could be provided. On the 13th, Crittenden started off to join Lopez, and met a superior force of the

enemy. The men, whose enthusiasm had considerably abated since their landing in Cuba, made little resistance, although their officers fought bravely. They had sufficient reason for their lack of zeal in the enterprise. Not one particle of evidence was at hand to justify the glowing representations of Lopez. Evidently the Cuban people were not prepared for an uprising; and if Cuba was to receive its freedom through the efforts of the revolutionary force landed upon its shores, it must be without substantial aid from the population of the island. Not only was aid lacking, but it was apparent that the expedition was to meet even hostility from those whom it sought to benefit. Colonel Crittenden and his men retreated before the discipline and superior troops of Spain, and about fifty of them effected embarkation and were captured by a Spanish ship of war which was cruising on the coast. The captives were carried to Havana, tried and sentenced by a military court, and shot. The men under Lopez were attacked at about the same time as Crittenden's force, some were killed and wounded, others retreated into the interior, where they were dispersed on August 24th, and the rest were made prisoners. Lopez was garroted; some of his followers were pardoned, but the remainder, numbering one hundred and sixty-two, mostly American citizens, were sent to Spain, to labor in the government mines.

Excitement in the country, especially in the South, was intense. In New Orleans a mob destroyed the office of a Spanish newspaper, sacked places of business conducted by Spanish proprietors, defaced the portraits of the Queen of Spain and the Captain-General of Cuba, and tore the Spanish flag to shreds. The United States expressed its profound regret to the Spanish minister for an outrage that "was committed in the heat of blood and not in pursuance of any premeditated plan or purpose of injury or insult." Spain was mollified by the eminently just spirit in which the state department treated the foolhardy breach of international agreement by citizens of the United States.

On the first day of the meeting of the Congress which assembled on December 1, 1851, that body listened to the felicitations of the president upon the compromise measures relating to slavery, but its interest was greater in another subject. Kossuth, the Hungarian patriot, who had led his people in a brave but futile revolution against Austria, had fled to Turkey, whence, after a period of detention, he was enabled to seek refuge in this country through the courtesy of Congress, which directed the president to tender him one of the ships of the Mediterranean fleet as a convoy for himself and his associates. Although Austria vigorously protested, Turkey was induced to yield to the wishes of this country, urged also by the representatives of Great Britain and Sardinia at the Turkish capital, and Kossuth took passage on the frigate *Mississippi*. After visiting England in the interests of the cause of his country, Kossuth arrived at New York on December 5, 1851. He was greeted with a salute of twenty-one guns, tendered an address of welcome, and, although the time was shortly after midnight, his reception was in the nature of a great ovation. A formal address of welcome and a procession were the features of his first day in New York, but these were only preliminary to the varied, brilliant, and vociferous welcome which he received on the following day. Never had New York gone to such lengths in a popular demonstration since the landing of Lafayette. Praise and eulogy ran to extravagant lengths, and Kossuth was compared with the greatest and purest patriots of all time. There were some, however, who did not share the general sentiment and did not hesitate to compare Kossuth with the Frenchman Genêt. Nevertheless the Hungarian patriot conducted himself with eminent propriety and studiously preserved a correct attitude toward parties and party questions in the country. To a delegation of the American and Foreign Anti-Slavery Society, who called upon him and made an address, he replied: "I know you are just and generous, and will not endeavor to entangle me with questions of a party character while I

am with you. I must attend to one straight course and not be found to connect myself with any principle but the one great principle of my country's liberation." So he replied in effect to various delegations representing divisive issues or questions. An elaborate banquet was tendered him by the city of New York at the Irving House, four hundred guests being present. An editorial banquet at the Astor House was presided over by William Cullent Bryant. At this function, the reading of a letter from Webster declining in cool terms to be present, and alleging the perfunctory reason of public duties, was received with hisses and other signs of disapprobation. The toasts were responded to by Bancroft, Henry J. Raymond, Parke Godwin, Henry Ward Beecher, and Charles A. Dana. Yet another testimonial of American esteem and interest in the Hungarian cause was given in the presentation to Kossuth of resolutions by the New York Democratic Central Committee. These were militant in tone, and declared that the time for American neutrality had passed, and that "at the tap of the drum one hundred thousand armed men will rally around the American standard to be unfurled on the field when the issue between freedom and despotism is to be decided."

Thus much for the popular side of the Kossuth welcome. Before Kossuth arrived at New York, on the first day of the session a resolution was introduced into the Senate providing a welcome for the distinguished visitor and offering him in the name of the American people the hospitalities of the metropolis. This resolution had not come to a vote when Kossuth arrived at New York. It was then decided to tender him the official welcome at the national capital, but this proposition was opposed and required a four days' discussion to come to a vote. The hesitancy on the part of a few senators to take any action which might seem to be a breach of national propriety was not shared by the great majority of the members either of the upper House or of the lower. Men like Cass and Foote compared him with Washington and predicted that his name would shine



Wendell Phillips.



Harriet Beecher Stowe.

From engravings in the Library of Congress.

upon the brightest pages of history. Seward saw in him "the representative of the uprising liberties of Europe." It was resolved to give him a cordial welcome at the capital, although the state department was not convinced of its propriety. As Webster wrote at the time, it required great caution so to conduct proceedings when Mr. Kossuth should arrive "as to keep clear both of Scylla and Charybdis." After enthusiastic receptions in Philadelphia and Baltimore, Kossuth arrived in Washington on the 30th of December. Webster wrote that Kossuth was a gentleman "in appearance and demeanor; . . . he is handsome enough in person, evidently intellectual and dignified, amiable, and graceful in his manners. I shall treat him with all personal and individual respect; but if he should speak to me of the policy of 'intervention,' I shall 'have ears more deaf than adder's.' "

Kossuth had kept himself free from American questions, but his purpose of seeking an entanglement of this country with Austria was undisguised, and he did not hesitate to state it at every banquet and to every delegation that paid him its respects.

When Congress assembled on the 1st of December, 1851, the roll call indicated a weakening of the Whig party, the Senate of sixty-two members—with two vacancies to be filled—contained twenty-four Whigs, and thirty-three Democrats, with Hale, Sumner, and Chase ranked as Free-soilers; while in the House were eighty-eight Whigs, one hundred and forty Democrats, and five Free-soilers, with four Territorial delegates, having a voice but no vote. But we are more concerned with the action of that body in welcoming the Hungarian patriot than with any other matter connected with its initial history. The reception by the Senate took place on January 5th. The interval from the date of its meeting had been occupied with unimportant matters and with the Christmas recess. At one o'clock, on the 5th of January, the doors of the Senate were opened and the committee, Shields, Seward,

and Cass, escorted the guest of honor and his attendants to the bar. After formal greetings had been exchanged between Kossuth and the president of the Senate, the former was conducted to a seat of prominence and, in order that the members might have an opportunity of meeting the Hungarian general, the Senate adjourned. In the House the Hungarian was tendered a reception similar to that accorded him in the upper House. Kossuth, however, had come to America with a definite purpose. He wanted not simply to be assured of the good will of the people of the United States, he wished also to float Hungarian bonds to the amount of one million dollars, payable when the independence of the country should be achieved. But Kossuth did not receive substantial support either in money or in encouragement of this government's intervention in his country's behalf. Finding that the latter was not to be expected, he confined himself to solicitations for funds to prosecute the war, but he probably did not receive all told more than one hundred thousand dollars. By the middle of January the excitement of Kossuth's presence in the country had almost died away. Attempts were made to create political capital out of the visit of Kossuth, but there was no substantial basis for the charges mutually preferred by partisans that this or the other motive had been the directing cause of the invitation to Kossuth to visit the country.

In June, 1852, the two nominating conventions met. Both were held at Baltimore, the convenience of that city to the national capital making it a favorite place for national political gatherings. The Democratic convention occupied the first five days of the month. John W. Davis, of Indiana, a former Speaker of the House, presided. Cass, Buchanan, Douglas, and William L. Marcy were most conspicuously mentioned for the presidential nomination, but, on the fifth day, after forty-eight ballots had been cast, General Franklin Pierce, of New Hampshire, secured it with a vote of two hundred and eighty-two, although on

the previous ballot he had received but fifty-five votes. William R. King, of Alabama, was nominated as vice-president and a platform was adopted which pledged the party to resist attempts in and out of Congress to renew agitation of the slavery question "under whatever shape or color;" and a determination furthermore, to "live by and adhere to" a faithful execution of the compromise settlement of 1850, in which the Fugitive Slave Act was included. The Whigs held their convention on the 16th of June, with John G. Chapman, of Maryland, an ex-member of the House, in the chair. After two days spent in preliminary business and in constructing a platform, balloting was proceeded with on the third day. The platform was equivocal in expression and, while it expressed acquiescence in the compromise acts, the resolution relating to that question limited the enforcement of those acts "until time and experience shall demonstrate the necessity of further legislation" to provide against their evasion or abuse, but not in any wise to affect their present efficiency. Although the pledge for the Union was a sufficient one, it was regarded as leaving a loophole for discussion upon the Fugitive Slave Law. The vote for the platform fell far short of being unanimous. The balloting showed that, while the Southern States generally supported Fillmore, his own was an exception and the delegates from the Middle States and from the West generally showed their preference for Winfield Scott. Webster had a small following, chiefly confined to New England, although some delegates from his own State did not vote for him. Notwithstanding the great disparity between the voting following of Fillmore and Webster, the latter remained in the contest. This defeated the aspirations of Fillmore and, on the fifty-third and decisive ballot, Winfield Scott received one hundred and fifty-nine votes to one hundred and twelve for Fillmore and twenty-one for Webster. The nomination of the military hero was made unanimous, and William A. Graham, of North Carolina, was chosen as his running mate.

The common, if not identical, position of the Whigs and Democrats upon the compromise measures left little at issue between the two parties. The nomination of Pierce was fairly well received by the Democrats; for, although not in the foremost rank of the party, he was a man of known opinions and these accorded with the Democratic platform; while that of Scott failed to awaken enthusiasm in any quarter. The Whig platform was distasteful to the Northern wing of the party, and, although the candidate was esteemed as a soldier it was felt that his training had not prepared him for the office of president. The division in the ranks of the Whigs not only foreboded defeat, but carried with it warning of disintegration.

The Free-soil Democrats had declined in political importance very greatly since the previous presidential election. They held their convention at Pittsburg, August 11th, and put in nomination John P. Hale, of New Hampshire, and George W. Julian, of Indiana. Their platform sounded the one note of human freedom. It declared "to the persevering and importunate demand of the slave power for more slave States, new slave territories, and the nationalization of slavery, our distinct and final answer is: no more slave States, no slave territory, no nationalized slavery, and no national legislation for the extradition of slaves. . . . The Fugitive Slave Act of 1850 is repugnant to the Constitution, to the principles of common law, to the spirit of Christianity, and to the sentiments of the civilized world." There was added a note which expressed more truly the state of mind of many persons in the North than did the open or qualified pledges of the great parties to the execution of the Fugitive Slave Law. That expression was: "We therefore deny its binding force upon the American people and demand its immediate and total repeal." The canvass was not a spirited one, as the one issue which would have flamed the nation throughout its limits had been suppressed under a verbal avowal of amity, which sufficed not for the purposes of peace, but only for the needs of sectional

armistice for the time being. The election of 1852 was favorable to the Democrats, a crushing defeat being administered to the Whigs in the popular vote and a still more decisive one in the electoral vote. Of the electoral votes, two hundred and fifty-four were cast for Pierce and but forty-two for Scott. Tennessee and Kentucky each gave twelve votes to the latter, and Vermont and Massachusetts gave respectively five and thirteen, their full vote.

There was one distinguishing difference between the Whigs and the Democrats which showed in their respective platforms. The former conceived the sphere of government to include a superintendency and a beneficent intent which were denied to it by the Democrats, who were suspicious of directing authority and held that the best government was that which was least in evidence. Being outside of the general course of national commercial activity, the South naturally felt best fitted to direct the operations of her own social and economic system. The State and not the national government was the ultimate governing fact in the South. Tradition, usage, the spirit of the people made it so, but these all were moulded by the necessities arising from the important part assumed by the cultivation of cotton. The Democratic party had been gradually brought under Southern control, the slaveholding section of it, always compact and aggressive, had drawn power to itself by conceding the principal party honors to Northern men, whom they depended upon to carry the populous States.

Daniel Webster died on the 24th of October, just before the presidential election. So great was this statesman that it has been truly said that the story of his life is the story of the country during the time when he led its affairs.

The final session of Congress during Fillmore's administration met on the 6th of December. It was too uneventful to require more than a passing notice. A proposed tripartite agreement between Great Britain, France, and the United States for the guarantee of possession of Cuba to Spain was discussed to no point, and the Nicaragua treaty and the

Monroe Doctrine were dragged in. The Lopez expedition was the cause of these discussions, but Spain had already released all the American captives, and ninety of them had landed together at New York ten months before. The necessity for better relations with the empire of the Mikado had been evident for some time, but during the administration of President Fillmore the matter was called to public attention by several circumstances demanding immediate action. One of these was the treatment accorded to American sailors who were wrecked upon the coast of Japan, and this cause was given prominence in the negotiations between America and that country. But the rapid increase of the American population upon the Pacific coast and the consequent enlargement of this country's commerce with the nations of eastern Asia—a commerce which had been greatly facilitated by the application of steam to ocean navigation—made desirable the opening of as many Eastern ports as possible to American markets. Moreover, the increase in the commerce of the United States and the consequent and interdependent increase in the naval service of the nation made necessary the multiplication of coaling stations in Oriental waters.

The matter of obtaining a treaty with Japan was under the direction at first of William Graham, of North Carolina, secretary of the navy under Fillmore. When the secretary received the nomination for vice-president on the ticket with General Scott, the work was taken up by his successor in office, John P. Kennedy, of Maryland. Under the direction of Kennedy the actual negotiations with Japan were intrusted to Commodore Matthew Calbraith Perry, in command of the East India squadron. The task before the commodore was one which had been essayed as early as 1549, when the Jesuits, with Francis Xavier as their leader, had entered the kingdom of the Mikado and so rapidly gained power in the country that in 1587, as a measure of self-protection, the Japanese had issued an edict of expulsion. As a result of this invasion of their land by

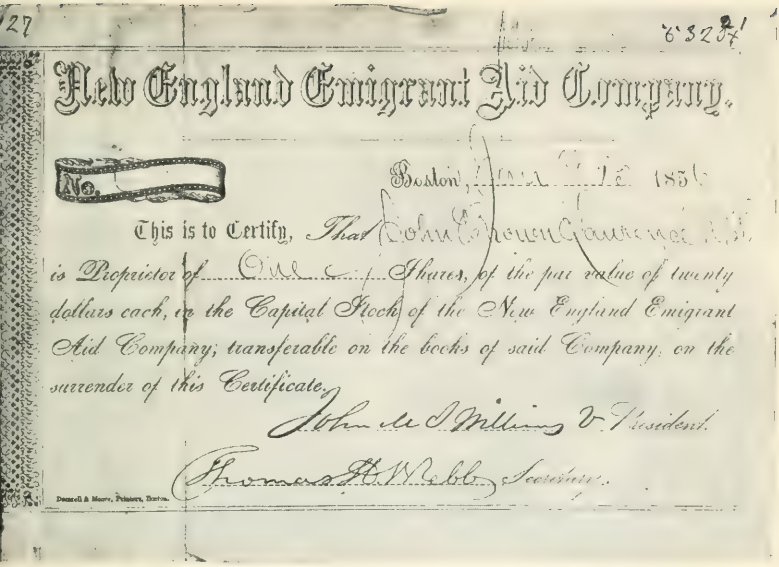
foreigners, the Japanese had entered upon the policy of exclusion of all aliens.

America's attempts to negative this policy began in 1797. At that time, Robert Shaw appeared in the port of Nagasaki and unsuccessfully attempted to open communication with the merchants of that place. In 1831, President Jackson appointed Edmund Roberts to conduct negotiations with a view to trade relations; and in 1846, Captain James Biddle entered the harbor of Uraga with the same purpose. Neither was successful. In 1846 occurred the arrest by the Japanese of eighteen American seamen who had been wrecked upon the coast, and Commander James Glynn was deputed to obtain the release of the sailors. It was necessary to threaten to open fire upon the town of Nagasaki before the Americans were permitted to board Glynn's vessel. Captain James Aulick was the next upon whom fell the task of opening the door into Japan, but, owing to a misunderstanding between Captain Aulick and the home government, the commission was transferred to Commodore Perry.

Where the others had failed, Perry succeeded. He appeared in the harbor of Uraga in July, 1853, prepared for aggression if the occasion should demand, but determined upon peaceful measures if possible. The event proved that persistence and diplomacy were sufficient—backed by an easily recognized intention and ability to enforce demands with a resort to arms. On the 31st of March, the terms of a treaty were agreed upon, and the ports of Shimoda and Hakodate were opened to America. But commerce between the nations was much restricted until the signing of the treaty of July 29, 1858, when was formally concluded as liberal an agreement as is possible between nations. By the terms of this treaty there are granted to the United States: First, peace and friendship are declared. Secondly, the ports of Hakodate and Shimoda are to be open to American ships, and necessary provisions are to be supplied. Thirdly, relief is to be extended to shipwrecked people. Fourthly, Americans are to be allowed residence,

subject to the laws of the Japanese nation. Fifthly, trade is to be allowed in open ports subject to local conditions. Sixthly, coal, provisions, and other necessities are to be procured through Japanese officials only. The treaty also included the "most favored nation" clause. The demands of the United States upon the Japanese government were followed by the same requests from the other nations, beginning with Russia and Great Britain, and to-day the Japanese have concluded liberal treaties with all the more powerful nations of the world.

On the 4th of March, 1853, Franklin Pierce delivered his inaugural address. Its tone was one of self-confidence and the word expansion was glibly uttered. He entertained no gloomy forebodings upon the subject and desired fresh acquisitions of territory could they be peacefully obtained. He reiterated the Monroe Doctrine and finally pronounced that which the people were waiting to hear,—a declaration of allegiance to the full compromise measure of 1850. On May 7th, Congress in extra session received and at once confirmed the Cabinet appointees. These were: William L. Marcy, of New York, secretary of state; James Guthrie, of Kentucky, secretary of the treasury; Jefferson Davis, of Mississippi, secretary of war; James C. Dobbin, of North Carolina, secretary of the navy; Robert McClelland, of Michigan, secretary of the interior; James Campbell, of Pennsylvania, postmaster-general; and Caleb Cushing, of Massachusetts, attorney-general. The master spirits of this Cabinet were Caleb Cushing and Jefferson Davis. Cushing had desired the portfolio of State, but he was not held in sufficient esteem by the Democrats to be tendered the place. Davis had entered the Cabinet with reluctance at the president's urgent solicitation. Considered sectionally it was a Cabinet with strong Southern bias. James Buchanan was appointed minister to Great Britain; John Y. Mason, of Virginia, to the court of France; and Thomas H. Seymour, of Connecticut, to Russia. In addition to these, the appointment of Pierre Soulé, of Louisiana,



New England Emigrant Aid Company.

No. [illegible]

Boston, June 12 1854

This is to Certify, That John C. Brown Lawrence K.T.
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John M. S. Williams V. President.

Thomas H. Webb Secretary.

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NOTICE!!

TO THE PUBLIC!

I, the undersigned, on my own personal honor and responsibility, do hereby publicly declare G. W. BROWN, Editor of the Herald of Freedom, to be a wilful LIAR, a malicious SLANDERER, and a most contemptible COWARD; all of which charges I hold myself in readiness to prove.

RICHARD REALF.

Lawrence, July 14, 1857.

Certificate of stock in the New England Emigrant Aid Company, and a Kansas poster of 1857. *From originals in possession of the Kansas State Historical Society.*

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to Spain was significant in that the appointee was foreign-born and ardently bent on the acquisition of new slave territory. The seat vacated by him in the Senate was filled by John Slidell, President Polk's secret envoy to Mexico. James Gadsden, of South Carolina, was appointed minister to Mexico, and Solon Borland, of Arkansas, to Central America.

When the Thirty-third Congress reassembled after the holidays, the brief period prior to this recess having been unimportant, the country was in a hopeful mood, and the president was held in esteem throughout the land.

In order to understand the attitude of Franklin Pierce toward the great questions which were agitating the public mind at the time of his incumbency of the presidential office, it is necessary to bear in mind the traditions of the Pierce family, and to take into consideration his inheritance. His ancestors, including his father, the person for whom Pierce entertained the most affection and respect, had taken an honorable part in the war of the Revolution and had believed that struggle had been undertaken to preserve to the American colonists all the rights which they were at that time enjoying. Among those rights was that of holding slaves. It is small matter for wonder, then, that Franklin Pierce should have taken the stand which he did in matters relating to slavery, that he should have believed in its maintenance. And, whatever accusations might be brought against Pierce, those who knew him best were most convinced of the sincerity of his convictions and of the flawlessness of his personal integrity. Not only did he refuse to enrich himself from the public treasury, but no considerations could induce him to shield those in the public employ whom he believed had been guilty of using State offices for undue personal gain.

But the position of president at this time would have been a difficult one for any man of any party, for, during the administration of Pierce, the tempest long brewing was to break upon the nation through the medium of the Kansas-Nebraska Bill. We shall not be concerned in this chapter

with that great issue, but shall be content to consider such matters of general legislation or discussion as do not intimately relate to slavery. Homestead laws were discussed, and profitless legislation resulted, for homestead laws were increasingly distasteful to the South, favoring as they did free labor in the Territories. The new president was opposed to legislation for internal improvements, and returned with his veto a bill appropriating money for the furtherance of public works begun under his predecessor. A joint resolution approved the action of Captain Ingraham in rescuing Koszta, a Hungarian, by naturalization a citizen of the United States, and a refugee, who, in the harbor of Smyrna in the previous July, had been arrested and confined on an Austrian brig. The United States demanded his release, and Captain Ingraham in charge of an American sloop-of-war threatened to cannonade the brig if the prisoner was not surrendered within a given time. It was finally arranged that the French consul should take Koszta in charge until the two governments should come to an agreement upon his claim to American protection. The diplomatic correspondence in this case gave Marcy an opportunity of expounding the doctrine of protection to American citizens in the amplest terms. Koszta was finally released and sailed for the United States.

In April, 1854, a treaty was sent to the Senate and ratified by a close vote, providing for the acquisition of extensive territory from Mexico, comprising nineteen million acres in Chihuahua and Sonora for the sum of ten million dollars. Congress incorporated the new acquisition for the time being in the Territory of New Mexico. During the session of Congress which opened on December 4, 1854, there were some matters of public interest, aside from questions relating to slavery, of which note should be made. The matter of neutral and belligerent rights during the progress of the Russo-Turkish War was of immediate interest to Congress. The British government agreed with the American state department that free ships should make

free goods and Marcy desired that France should take the same view in order that upon the support of these powerful governments, the principle should have recognition and be permanently incorporated into international law. The United States was pledged to the strictest neutrality between the belligerents and its laws forbade the equipment of privateers against powers with which it was at peace. These laws were strictly enforced. But in conference with Buchanan at London, Lord Clarendon broached the further proposition that the United States should join unconditionally to abolish privateering. To this Marcy refused assent, on the ground that, should the United States and Great Britain go to war, the former would be placed at a great disadvantage by reason of the fact that the navy of Great Britain was ten times greater than hers. Thereupon France and Great Britain agreed to give only a qualified assent to Marcy's doctrine of free ships making free goods, declining to recognize it as a permanent principle of international right. But the American minister continued his efforts in other directions for the security of neutral property other than contraband on board an enemy's vessel. A convention with the European powers to this end was proposed. Russia responded favorably and entered into such an agreement with the United States as between themselves and all other nations which should enter into like stipulations. This convention was concluded at Washington July 22, 1854, and was proclaimed on the 1st of November following.

During that same year commercial reciprocity was arranged between the United States and Great Britain, which opened to the inhabitants of the former country the sea fisheries of the British provinces and enlarged the rights accorded to the American government under the convention of 1818. It gave British subjects the right to participate in sea fisheries, except shellfish, as far southward along the Eastern coast of the United States as the thirty-sixth degree of north latitude; it established free commerce between the

provinces and the United States in such staples as flour, bread stuffs, fruits, fish, animals, lumber and other products of the two countries in their manufactured forms. The American government undertook to secure the consent of the States to admit British vessels into their canals upon reciprocal terms in return for the opening of St. Lawrence River and the Canadian canals to American shipping. Nevertheless, no progress was made toward securing the retirement of Great Britain from Central America.

At that time the Monroe Doctrine was expanded to cover the Western Continent, but when Buchanan urged this famous unofficial policy upon the attention of Lord Clarendon, he was met with the response: "The Monroe Doctrine is merely the dictum of its distinguished author." Central America was in a state of internal confusion, intensified by irritating controversies regarding the rights of British subjects upon the Mosquito coast. In May, 1854, an incident occurred on the Mosquito coast in the little town of San Juan, or Greytown, which led to the bombardment of the place by American naval vessels. The town had quarrelled with a transit company over preposterous claims of damages and the situation was made worse by the shooting of a negro by a steamship captain in the vicinity. The mayor of Greytown attempted to serve a warrant of arrest on board the steamship, but the officer was resisted by the passengers, Borland, the United States minister to Nicaragua, being prominent in the affair. Thereupon, when the latter next appeared on shore, the town officials attempted to arrest him and a street fight ensued. During the fracas Borland was hit in the face with a bottle by an unknown person. The United States ship *Cyane*, under Captain Hollins, was despatched in June to the place. Arriving on the 11th of July, the town was called upon immediately to pay the damage claim of the transit company and to make full apology for the insult offered to the American minister. To these demands the Greytown authorities made no reply. Whereupon, after due warning, the next

day, the 13th, the warship opened fire upon the town, the bombardment being kept up at intervals during the afternoon, when a party was sent on shore to fire the houses and complete the work of destruction. Lieutenant Jolley, of the British warship *Bermuda*, protested in vain against this course, but was not strong enough to offer resistance. This unjustified procedure on the part of the American naval commander did not secure the payment of the claim, and was repudiated by the president in his message of December, 1854.

Cuba continued to be coveted, but neither filibustering expeditions nor the arts of diplomacy could take it from Spain. On October 10, 1854, a conference of the American ministers to Great Britain, France, and Spain was called at Ostend, transferring its deliberations to Aix-la-Chapelle. They continued in deliberation until the 18th. The object of this conference was to further the efforts of the American minister at Madrid for the acquisition of Cuba. They drew up a report which proposed a bold enterprise on the part of the United States government. This was to the effect that Spain should be compelled to part with Cuba at a price not exceeding one hundred and twenty million dollars. The grounds for this recommendation were stated to be the benefit that would accrue to all the commercial nations of Europe, the benefit which Spain herself would derive, and the securing of an equivalent to Spain for the island which was certain at some future time to be lost to her. It was also declared that the continued possession of Cuba by Spain affected the internal peace of the United States and furnished ground for the latter to wrest it from Spain. European conditions were such that an enterprise of this sort might be recommended with little probability of check from that source, but on the other hand domestic conditions in the United States, of which the ministers in conference appeared not to be informed, effectually set at naught any proposition for the acquisition of further territory to the south. The expedition already noticed that

secured commercial advantages from Japan was more in line with the country's true policy.

Not only in 1854, but for the next six years, there is little of political importance to relate aside from the great overshadowing struggle for control of the country by the forces of freedom and slavery respectively. The triumvirate of statesmen who had so long exercised a preponderating influence in determining the course of legislative action in Congress had now passed from the arena of national politics. Calhoun, the forceful champion of State sovereignty, was the first to answer the summons, dying at Washington, March 31, 1850; Clay, the great compromiser, passed peacefully away at the national capital on June 29, 1852; while Webster, the unflinching friend of the Union, "one and indissoluble," lived but four months longer, dying at his old home in Marshfield, Massachusetts, on October 24, 1852. The forces of which they had been the peerless exponents were already being marshaled by new leaders for the impending conflict. The period of Pierce's administration, so unfruitful in works of peace and contributing so little to history in the way of foreign relations, yet was prolific of events which we shall now trace.

CHAPTER VI

STATE OF SOCIETY

So CLOSELY was the question of slavery interwoven with the geographical conditions and the character of the people who had settled the South that no adequate idea of the problem presented by slavery can be obtained without an understanding of those other aspects of the South. And in the same measure were the people of other parts of the Union influenced by the original stock from which they drew their ideas as well as by the character of the country in which they made their homes.

So evident was this difference between the sections in the days before easy transportation tended to weld the Union into a cosmopolitan whole that to a traveller who went from the extreme North to the South it seemed as if he had come into a foreign country, where even the speech was peculiar. The wide coastal plain of the region south of Mason and Dixon's line was particularly well adapted to the large estates which were in such contrast to the small holdings of the Northern farmers. Towns were few, and cities of any extent still less frequent. The centre of the Southern social life was the plantation. Here the "big house," as the negroes called it, was the source of authority, and around it were clustered the workshops and the servants' quarters.

The Northern colonies had been settled by the hardy and industrial classes of Great Britain, with a subsequent influx

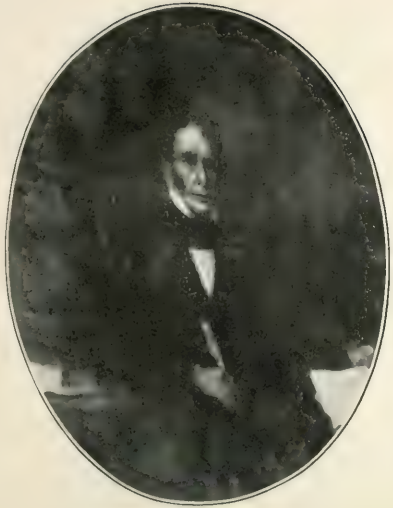
at intervals of equally industrious emigrants of other nationalities. Both from the necessities of their situation and from the habits of their lives, they became small farmers and manufacturers, and of this class was the emigration which came to the Northern portion of the United States during that period of movement toward America which took place from 1820 to 1850.

The North became the great provider, not only of her own wants, but of those of the South as well. The shipments of American products, with the exception of cotton, tobacco, and sugar, were shipments of Northern and Western products and manufactures, and even the Southern staples were largely shipped abroad from Northern ports. The logical consequence of these trade conditions was that the North became the strong advocate of the economic principle of protection, while the South, which had every reason to welcome the manufactures of Europe in competition with those from the manufacturing States of the Union, was equally ardent in favor of free trade.

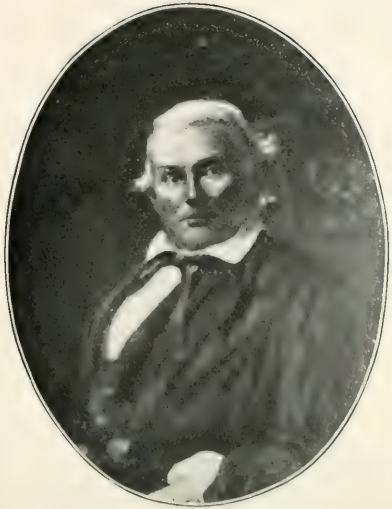
The original Southern States had drawn largely from that class which participated in the benefits of royal favor and came to the New World to take up large grants of land, and to establish in America such estates as they had been accustomed to in the Old World. These brought over to the country in their train the mechanics and workmen necessary to the profitable development of the land. The Southern pioneer frequently, usually indeed, was of that adventure-loving type that sought under the new conditions of life which prevailed in America an opportunity for the gratification of his desire for excitement rather than for the commercial development of the land. The nature of the country, the climate, and the early discovery that the great cotton fields which came to characterize the South could best be worked by servile labor, were favorable to the fostering of these tendencies.

The South and the Southwest were instinct with the spirit of dominance, as much as the North was pervaded by the

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George McIntosh Troup.



Alexander Hamilton Stephens.



Howell Cobb.

From paintings now in the State Library, Atlanta, Georgia.

spirit of democracy. The constant exercise of authority constituted the training school for the Southern character. The South abounded in pride of birth, land, and leisure; the North was equally proud of her industry, wealth, and frugality.

To one preëminent fact must be attributed the concentration of the black population of America in the Southern States. This was the invention by Eli Whitney of the cotton gin in 1795, whereby the cultivation of cotton became so profitable that it constituted the chief interest of the Southern planter. For the labor required for its cultivation the negro was better adapted than the white man; and the impetus given to cotton cultivation not only rendered imperative his employment in the fields, but seemed to demand his retention in a servile relation. The cotton gin arrested the steady process of emancipation of slaves which had been going on, and shattered the dream of Washington and contradicted the prediction of Jefferson that the day was not remote when Maryland and Virginia would be entirely free from servile population and even States further down the coast would emancipate their slaves. Having turned her entire attention to the cultivation of cotton, the South experienced fifty years of industrial prosperity, affected only by the conditions which regulate crops. Her interests were homogeneous, her population as much so, and she presented a solidarity in sentiment and feeling in striking contrast to the more individualistic North.

If the wealth of a land could be measured simply by the money paid it for its products, then would the South indeed have been in an enviable position. The planter States produced annually more than two million bales of cotton, and exported, aside from sales to the free States, cotton to the value of sixty or seventy million dollars.

In territory, the fifteen slave States were much more extensive than the sixteen free States; the first having a territorial area of nine hundred and twenty-eight thousand eight hundred and ninety-four square miles, while the latter had

but six hundred and forty-three thousand three hundred and twenty-six square miles. The natural increase in population of the South kept pace with that of the North. Nevertheless, in 1850, the population of the free States was thirteen million three hundred and forty-two thousand three hundred and twenty-five, while that of the slave States was nine million six hundred and twelve thousand nine hundred and sixty-nine. In the North, there were forty-five and eight-tenths inhabitants to the square mile, while in the Southern States there were but eighteen and ninety-three hundredths. In the slave States, there were only three hundred and five thousand five hundred and fifty-seven persons who had been born in foreign countries, while in the free States this element of the population amounted to one million eight hundred and ninety-three thousand and fifty-five. Of this number, six hundred and fifty-one thousand eight hundred and one were to be found in New York. Thus there were not half so many immigrants in the South as in one Northern State. The use of the negro for manual labor did not encourage immigration to the South, and the same conditions which prevented an influx of population occasioned an exodus. The South offered little opportunity for any white men save those of the slaveholding class. The number of inhabitants in the South who had been born in the North was but two hundred and five thousand three hundred and seventy-seven. On the other hand, six hundred and seven thousand three hundred and sixteen of the Southern population had gone to the North. Thus the total influx of population in the South from the free States and from Europe did not suffice to equal the drain which that section suffered through the emigration of its youth to the Northern States.

Not only did the South not participate in the tide of immigration flowing into the country, but it did not receive nearly a proportionate share of the capital which came to the North in payment of exports. The entire wealth of the slave States in 1850 was valued at two billion seven

hundred and fifty-five million four hundred and eleven thousand five hundred and fifty-four dollars, and that of the free States, excluding California, at three billion one hundred and eighty-six million six hundred and eighty-three thousand nine hundred and twenty-four dollars. In the valuation of the South, however, slaves are included. Estimating these at four hundred dollars a head, they represent one billion two hundred and eighty million one hundred and sixty-four thousand eight hundred dollars in the total sum, leaving but one billion four hundred and seventy-five million two hundred and forty-six thousand seven hundred and fifty-seven dollars, which is considerably less than half of the sum credited to the North. Not merely did the South lose in the matter of capital received in payment of imports, but she sent gold to the North in payment for those commodities which the South could not produce, for the North supplied food stuffs and provisions to the South, and agricultural implements, furniture, clothing and almost all domestic necessities. Indeed much of the industrial activity of the North would have felt keenly the loss of Southern trade. De Bow, commenting upon this in 1853, remarks: "The Northern States, and Europe also, are in the power of the cotton growers of the South. A withdrawal of the cotton of the United States from England would produce an instant and terrible revolution in that island; and to cut off from the Northern States of the confederacy their Southern trade would destroy their merchants and manufacturers, cause a failure of their banks and bring about a financial crisis such as they have never experienced, and of which their imagination can scarcely conceive. The amount of cotton consumed in the Northern States during the last five years has been two million three hundred and sixty thousand six hundred and forty-five bales, or an average per annum of four hundred and seventy-three thousand nine hundred and thirty-one bales. The value of the cotton consumed during the last five years in the Northern States has been eighty-eight million six hundred

and thirty-seven thousand and forty-nine dollars, or an average of seventeen million seven hundred and twenty-seven thousand four hundred and nine dollars per annum. The profits arising from the manufacture of this cotton, and selling it to the Northern people, amounted to perhaps double the cost of the raw material, whilst it furnished employment to thousands of operatives, and secured to the Northern farmer a market for his produce. Surely, then, the North can have nothing to hope from a disruption of this confederacy, which many of its people seem to be striving so hard to bring about. The remedies then which we propose, to prevent the evils of a redundant slave population, are the employment of slave labor in the construction of railroads throughout the Southern States, and the use of negroes in our factories and in our workshops. In this way we can build all the important roads in the Southern States without taking any thing of consequence from the available means of our people, and we can obtain those articles of taste and elegance which we now rely upon the North to furnish us, made at our own doors. We must bring slave labor directly in competition with Northern labor. We must continue to seek out and find new fields for slave labor, whenever it ceases to be profitable in agriculture. These are the measures which we are bound by the highest obligations to adopt, to ward off the alarming evils of a rapidly and fearfully increasing slave population, confined as we think it will be within its present limits, unless there is a great change in the political condition of the country." Governor Hammond, of South Carolina, speaking of these conditions in 1850, said: "It is well known that for the past twenty years floating capital to the amount of five hundred thousand dollars per annum on the average has gone out of South Carolina, seeking and finding more profitable investment than could be found here. But our most fatal loss, which exemplifies the decline of our agriculture and the decay of our slave system, has been owing to emigration." The lower value of improved farm land in the

South as compared with that of the North furnishes another commentary upon the disadvantages brought to the former section by slave labor. The North had fifty-seven million seven hundred and five thousand five hundred and four acres of improved farm land, with a valuation of two billion one hundred and forty-seven million two hundred and eighteen thousand four hundred and seventy-eight dollars. The South had fifty-four million nine hundred and seventy thousand four hundred and twenty-seven acres of improved farm land, with a valuation of one billion one hundred and seventeen million six hundred and forty-nine thousand six hundred and forty-nine dollars.

Olmstead, in 1856, says: "I assert, from my own knowledge, that lands of the same quality in the free are from a hundred to a hundred and fifty per cent higher in value than in the slave States. Lands six miles from Cincinnati, in Ohio, I am credibly informed, are worth sixty dollars per acre, whilst in Kentucky, the same distance from the city and of the same quality they are worth only ten dollars per acre." De Bow declares: "Cotton has been to South Carolina what the mines of Mexico were to Spain," and he continues: "In the midst of a superabundance of the most valuable commodity in the world, he (the cotton planter) bids fair to beggar himself by the folly of overstocking all his customers."

There were not lacking far-sighted and thoughtful men in the South to urge the importance of introducing manufactures and of developing the textile industry. They pointed out the folly of exporting the raw cotton only to buy it back again in the shape of manufactured goods, leaving in the hands of the intermediary manipulators of it the profits which the South might save. Upon this point De Bow is very clear and convincing. He says: "If one unacquainted with the present condition of the southwest were told that the cotton-growing district alone had sold the crop for fifty millions of dollars per annum for the past twenty years, he would naturally conclude that this must be

the richest community in the world. He might well conclude that the planters all live in palaces, upon estates improved by every device of art, and that their most common utensils were made of the precious metals . . . that the want of money had never been felt or heard of. . . . But what would be his surprise when told that so far from dwelling in palaces, many of these planters dwell in habitations of the most primitive construction, and these so inartificially built as to be incapable of protecting the inmates from the winds and rains of heaven; that instead of any artistical improvement, these rude dwellings were surrounded by cotton fields, or probably by fields exhausted, washed into gulleys and abandoned; that instead of canals, the navigable streams remained unimproved, to the great detriment of transportation; that the common roads of the country were scarcely passable; that the edifices erected for the accommodation of learning and religion were frequently built of logs, and covered with boards; and that the fine arts were little encouraged or thought of." After speaking of the cost of new land purchased to the value of a hundred millions, he asks the question: "What then has become of the other nine hundred millions?" and answers his query by declaring that much of it has been paid to the neighboring States for provisions and supplies due to "neglecting the encouragement of manufactures." Continuing, De Bow declares that "the institution of slavery in the United States has reached the limits of expansion—that its further extension is a physical impossibility. . . . Our slave population," he asserts, "is every day increasing in greater ratio than the white, and it is only by some system that will encourage the emigration of a white population to us, that we can hope to keep up the equilibrium of the two races. . . . The manufacturing system will induce emigration to us; it will add both to our commercial and political power, and above all, will enable us to defend successfully those rights guaranteed to us by the Constitution; and if the evil day should ever come when

the South shall be satisfied that she cannot remain in the Union on equal terms, or with safety to her institutions, it will place her in a condition to maintain her separate nationality." But the South was not yet convinced of the wisdom of manufacturing as well as producing, and whereas in the free States one million two hundred and sixty thousand four hundred and forty-two persons were employed in arts, manufactures, and mining, in the slave States only three hundred and twenty-six thousand one hundred and fifty were so employed. The North had nearly three times as many smiths, nearly ten times as many machinists, three times as many joiners, five times as many printers, and seven times as many manufacturers of agricultural implements as the South. In the North four hundred and thirty-one million two hundred and ninety thousand three hundred and fifty-one dollars was invested in manufactures, with an annual return of eight hundred and forty-five million four hundred and thirty thousand four hundred and twenty-eight dollars, while the South had invested ninety-five million nine hundred and eighteen thousand eight hundred and forty-two dollars, with an annual return of one hundred and sixty-seven million nine hundred and six thousand three hundred and fifty dollars.

The North exported what she produced in excess of her own requirements, while the South, on the contrary, depended largely for her livelihood upon the export of her staple products. The relative showing between the two sections in the matter of commerce was, if anything, more unfavorable to the South than in that of manufactures. Theodore Parker summarized the commercial consequence of the sections as follows: "The foreign trade is almost wholly in the hands of foreigners, or men from the North, and is conducted by their ships. . . . The shipping is mainly owned by the North. Of the Atlantic States, seven had no slaves, Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey, and in 1846, they, with Pennsylvania, had 2,160,501 tons

of shipping. In all the slave States which lie on the seaboard, there are owned but 401,583 tons of shipping. In 1846, the young State of Ohio, two thousand miles from the sea, had 39,917 tons; the State of South Carolina, 32,588. Even Virginia, full of bays and harbors, had but 53,441 tons. The single district of the city of New York had 572,522 tons, or 70,939 more than all the Southern States united." In 1846, the shipping tonnage of the merchant marine of the Atlantic seaboard States north of the Mason and Dixon line was thus five times as great as that of the coast States of the South. In 1853, this difference had increased to eight times. In one year, 1849–1850, the aggregate tonnage of the free States increased by more than one hundred and twenty-five thousand tons, while the aggregate tonnage of the slave States decreased over two hundred and fourteen thousand tons.

Even in the matter of the textile industry, in which it might be supposed that an appreciation of her own interest would have led the South to make progress, that section was hopelessly behind the New England States. The latter had forty-two million nine hundred and eighty-two thousand one hundred and twenty dollars invested in cotton manufacture against one million seven hundred and twenty-one thousand dollars in the States of Tennessee, Alabama, Georgia, and North Carolina, the only Southern States for which statistics are obtainable. Small as was this industry, it was practically the only manufacturing enterprise in the South. De Bow, comparing the progress of the two sections, exclaims: "We look on and admire the growth of this tremendous power there [in the North], scarcely admitting any excellence in ourselves or willing to make an effort to secure such excellence. Yet we expect to be respected in our rights, and deferentially bowed to by the rulers of the North! Vain hope, if history be credited. Let the sceptre depart from Judah, and his brethren will not long desire the pretext to trample upon his inheritance." This condition gave clear evidence that the physical equilibrium,



Alexander Hamilton Stephens. *From an early photograph.*

which Calhoun had declared to be the only sure basis of political equilibrium, was being rapidly undermined. Yet Calhoun and his followers had looked with disfavor upon the introduction of manufacturing establishments into the South, and upon this point the Columbia, (S. C.) *State Banner* said: "We regard every factory establishment at the South a fatal blow struck at free trade, and if this is not also a covert blow at the institution of slavery itself, we shall be agreeably disappointed." Yet the *Commercial Review* said of the situation in the South: "We do not want capital, but most sadly want enterprise, which God, we implore, will give to our children, should it so happen that we are irreclaimable or past all hope."

South Carolina could indeed boast of having built the first public railroad line, that between Charleston and Hamburg. Although the cost of railroad building in the South was but half that in the North, the latter section in 1850 had twelve times as much railroad per square mile and six times as much per capita as the South, exclusive of Texas, which as yet did not contain a single mile of road. The first railroad of any sort in the United States had been a little road built at Quincy, Massachusetts, about four miles long, used to carry stone from the quarries, but up to 1829 not a single locomotive was successfully used. In 1832, about ninety-two miles of road were in operation, and this mileage was increased during the succeeding twenty years to over nine thousand. In 1839, there radiated from Boston one hundred and sixty-seven miles of railroad, and by 1850 three thousand miles, one-third of which was in the State of Massachusetts. Baltimore also exhibited the effects of a stimulation of interest in steam transportation, and although in 1850 the Baltimore and Ohio Railroad was incomplete, it was paying a dividend, and in 1851 this dividend was ten per cent. This was the first railroad in the country to have passenger service.

At a "great and enthusiastic railroad convention" at New Orleans in January, 1852, an address was delivered which

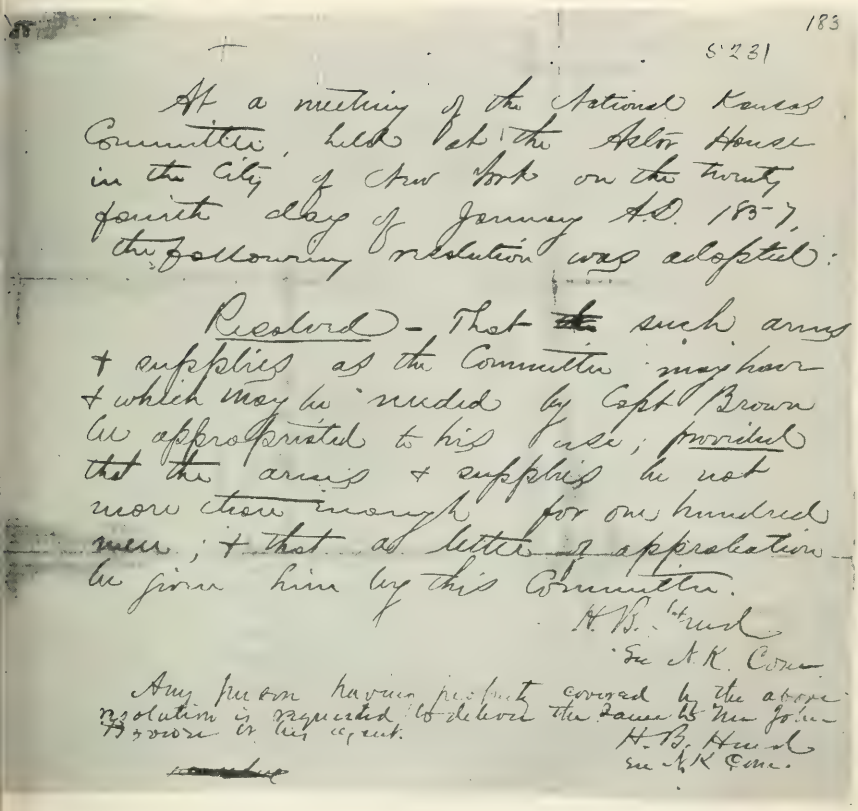
was in part as follows: "Whilst we have been idle spectators, New York and Boston have been taking away the commerce of the rich and growing States of the Northwest, which once paid tribute to us as it passed to the ocean. Are the millions of the Northwest more naturally allied to the North than to us, who occupy a part of the same valley, and are nearer of approach; and must we forever abandon the idea of controlling or of sharing their commerce? Dense population, great and growing cities, wealth, power, and influence and political strength on the one hand, or scattering villages, decayed cities, stagnant life, and comparative poverty and imbecility on the other. . . . It is time that we were truly aroused to the urgencies and necessities of the occasion, whilst all the world around us is in motion. The interiors of many of our great States are as difficult, practically, of communication with their commercial cities, or with each other, as they would be were the restraints of separate governments and custom house collectors interposed between them! Roads for many months of the year almost impassable, and at all times of enormously costly and laborious transit; rivers, with their insecurities and detentions and frequent and frightful losses, exclude us from intercourse and easy connection with each other, except upon the borders of the very largest rivers. For many months of the year the citizens of Louisville might reach New Orleans by way of New York sooner than by that of the Ohio and the Mississippi! Nashville is at all times as distant and of more hazardous approach to New Orleans than is New York. Little Rock is practically as far from the ocean as if seated at the Falls of St. Anthony. But this is not the worst. Whole regions of immense fertility within our limits are shut out entirely and hopelessly from any market whatever, and in not one of our States can the citizens of the interior reach their shipping or commercial points in less time than it would take a citizen of Boston to visit New York, Philadelphia, Baltimore, and Washington, and even in many cases to stop at each of these points and

return to his home. . . . If we compare the ten Northern States, Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Delaware, New Jersey, Massachusetts, Pennsylvania, New York, with the ten Southern, Maryland, Virginia, North and South Carolina, Georgia, Alabama, Florida, Louisiana, Arkansas, Tennessee, we find, the population of each class of States being nearly equal, the North has six thousand eight hundred and thirty-eight miles of railroad in operation, whilst the South has but two thousand three hundred and nine. Thus, in the comparison of population, the North has three miles of railroad to our one. The comparison would be still more striking were the States of the Southwest compared with those of New England. If we compare in regard to territory, the area of the Northern States is less than one-fourth that of the Southern, or one-sixth, including Texas. Thus the North has twelve times, or including Texas, eighteen times the extent of railroads to the square mile that we have. The average cost of railroads at the North has been at least double that of the South; therefore, each individual of the North has expended on the average between six and eight times as much as each individual at the South, and each mile of Northern territory has expended upon railroads on the average about thirty times as much as each mile of Southern territory!" Railroads require for their success something more than the mere fact that they connect two market centres, they must have feeders, so that like the tributaries of a river, these may bring to them the traffic of the whole region through which the line passes, tapping its resources and leading to the development of settlements along their reticulations. Little opportunity for the successful operation of a comprehensive system of railroad communication was possible in a section of the country which was able to pay but little more than one half of the cost of its postal service on a tariff of charges of three cents for a half ounce letter sent three thousand miles or less, if prepaid, and five cents for the same transit if not prepaid.

This deficit in the South had to be met by the surplus returns brought to the post office department from the North and West.

It is not difficult to see how the indifference to manufacture throughout the South directly influenced the inventive capacity of the Southern people. Up to 1850, in the sixty years of the history of the patent office, nineteen thousand patents had been granted to residents in the United States, other than in the District of Columbia, and of this number only two thousand two hundred had gone to the Southern States, of which an unduly large proportion was issued to citizens of the border State of Maryland, which really belonged more to the North than to the South. In the year 1846, twenty-one patents were taken out by Marylanders, which was more than a fourth of all the inventions which the South could boast. In the same year citizens of New York received more than two hundred and forty patents, which was in excess of three times as many as all the Southern States together had taken.

The state of the South with regard to schools, publications, and newspapers was little better than the condition manifested in more material ways. The census of 1850 reports but twenty-four book publishers in the South as compared with three hundred and twenty-one in the North, while of papers and periodicals of all kinds, political, religious, scientific, and miscellaneous, the South had but seven hundred and twenty-one out of a total for the country at large of eight hundred and eighty-four thousand six hundred and fifteen. The North had of newspapers alone one thousand eight hundred and four. The number of schools in the North was sixty-two thousand four hundred and fifty, with seventy thousand six hundred and forty-seven teachers and two million seven hundred and seventy thousand three hundred and eighty-one pupils, and six million eight hundred and fifty-seven thousand five hundred and twenty-seven dollars were spent by the Northern States upon popular education. Contrasted with this showing, the South had twenty-nine



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At a meeting of the National Kansas Committee, held at the Astor House in the City of New York on the twenty fourth day of January A.D. 1857, the following resolution was adopted:

Resolved - That such arms & supplies as the Committee may have & which may be needed by Capt Brown be appropriated to his use; provided that the arms & supplies be not more than enough for one hundred men; & that a letter of approbation be given him by this Committee.

H. B. Hurd
Sec N.K. Com.

Any person having property covered by the above resolution is requested to deliver the same to Mr John Brown or his agent.

H. B. Hurd
Sec N.K. Com.

Resolve of the National Kansas Committee, dated New York, January 4, 1857, relating to supply of arms to John Brown. *From the original in possession of the Kansas State Historical Society.*

THE
NEW YORK
PUBLIC LIBRARY

thousand and forty-one schools, taught by twenty-one thousand three hundred and fifty-three teachers, with an enrollment of five hundred and eighty-three thousand two hundred and ninety-two pupils, and at a cost of two million seven hundred and thirty-four thousand and three dollars. The report of opportunities for higher education was more favorable to the South, for it showed one hundred and twenty colleges and academies, with seven hundred and twenty-two professors, and twelve thousand and sixty-five students. These institutions for higher education possessed a revenue of nine hundred and ninety-two thousand one hundred and twenty-five dollars. In the North there were only one hundred and eleven such schools, employing eight hundred and seventy-nine professors, with an enrollment of fifteen thousand and ninety-four students, and possessing a revenue of nine hundred and twenty-four thousand five hundred and three dollars. In libraries, the North showed an interest greatly in excess of that displayed by the South, having sixteen thousand eight hundred and ninety-three libraries, containing three million eight hundred and eighty-six thousand six hundred and seventeen volumes, as against seven hundred and twenty-two libraries, with seven hundred and forty-eight thousand seven hundred and ninety-eight books in the South.

The students enrolled in the higher schools of the South were drawn almost exclusively from the slaveholding population, although that population, compared with the non-slaveholding, was as but one to three. The small farmer, forced to cultivate the poorest soil and crushed in spirit by the hopelessness of ever surmounting the conditions of his poverty, was in most cases obliged to content himself with affording his children at the best but the rudiments of an education. The *Commercial Review* declared of this "poor white" class that "the acquisition of a respectable position in the scale of wealth appears so difficult that they decline the hopeless pursuit, and many of them settle down into habits of idleness, and become the almost passive subjects

of all its consequences. And I lament to say that I have observed of late years that an evident deterioration is taking place in this part of the population, the younger portion of it being less educated, less industrious, and in every point of view less respectable than their ancestors." The same journal says again: "While we are aware that the Northern and Eastern States find no difficulty in educating their poor, we are nearly ready to despair of success in the matter, for even penal laws against the neglect of education would fail to bring many of our country people to send their children to school, notwithstanding it could be done without a cent of expense. . . . Our poor white people are wholly neglected and are suffered to while away an existence in a state but one step in advance of the Indian of the forest." It was this disparity between the South and the North in all the elements of progress, strength, and culture of a people which gave the North the ultimate dominance in spite of the solidarity of the South in political ideals.

Even the Southern cities, whose location should have been to them a guarantee of development, could not resist the retrogressive influences which conditioned them. They were indeed in a bad way. New Orleans, the queen city of the South, complained that it had no independent trade. The assessment rolls of Mobile showed that the total value of property which from 1836 to 1837 had averaged twenty million dollars had declined in 1847, 1848, and 1849 to twelve million dollars. The result of this decline was evidenced in a general decay. Rents had fallen, business had declined, and emigration was sapping the life of the city. From 1800 to 1827, the yearly average of the entry dues collected in the State amounted to nine hundred and twenty-eight thousand nine hundred and fifty-one dollars; and in the next seventeen years, from 1828 to 1844, the yearly average fell to four hundred and sixty-seven thousand nine hundred and thirty-three dollars. The population of Charleston during this latter period remained stationary. In order to have data for comparison with Northern and Western

cities, we may cite this description of Charleston: "That we are behind the age in agriculture, the mechanic arts, industry, and enterprise, is apparent to all who pass through our State; our good city of Charleston speaks a language on this subject not to be mistaken; she has lost one thousand of her population, according to the census of 1840, while her sister cities have doubled and quadrupled theirs; she has had, for thirteen years, the advantage of the South Carolina railroad, which, under ordinary circumstances, should have doubled the number of her population. How does she now stand? Precisely where she stood twenty years ago, and, but for the two conflagrations which swept off many of her old houses, she would present at this moment the same appearance that she did in 1824. Where is the city in this age of improvement, except Charleston, that a bookbinder or job-printer is prohibited the use of a small steam-engine, to enable him to carry on his business with more facility, and to cheapen the price of those articles that we are purchasing from other cities more liberal to their artisans? and where a carpenter is not allowed the use of the same, to turn a circular saw or drive a mortising chisel, to enable him to compete with others to supply us with ready-made doors, blinds, sashes, shutters, etc.? . . . The labor of negroes and blind horses can never supply the place of steam, and this power is withheld lest the smoke of an engine should disturb the delicate nerves of an agriculturist; or the noise of the mechanic's hammer should break in upon the slumber of a real estate holder, or importing merchant, while he is indulging in fanciful dreams, or building on paper the queen city of the South—the paragon of the age."

In the South a large part of the capital was invested in slaves, and this sort of property was valuable, a good field hand being worth from one thousand to one thousand five hundred dollars. Since the adoption of the Constitution the slave population of the country had made rapid increase, the advance being particularly marked after 1835.

Maryland, Virginia, and Kentucky could employ slaves to little advantage in their own industries, but their surplus found a ready market in the Southwest. Indeed the slaves bred in these States were valued by the cotton and sugar growers of the far South because of their hardihood. The severe labor on the sugar plantations of Louisiana brought the death rate above the rate of natural increase, while the increase on the cotton plantations was not noteworthy. Olmsted in his *Journey in the Back Country* asserts that the net increase on one of the best managed estates in Mississippi was but four per cent, while on the Virginia farms it was frequently twenty per cent. The sale of slaves from Maryland and Virginia from 1830 to 1850 permitted of slight increase in the slave population of the former State, while it kept that of the latter practically stationary. On the other hand during the same period the importation of slaves from those centres doubled the slave population of Louisiana, nearly trebled that of Alabama and quintupled that of Mississippi. In order to supply this demand it became the practice of Marylanders and Virginians to breed slaves for the market.

Even before the death of Madison the professor of history in the college at which Jefferson received his education gave the following statement respecting slave breeding in Virginia: "The slaves in Virginia multiply more rapidly than in most of the Southern States; the Virginians can raise cheaper than they can buy; in fact, it is one of their greatest sources of profit." Professor Dew wrote his defence of slavery in 1832, and computed that Virginia was then annually sending six thousand negroes to the Southern market. From 1850 to 1860 the annual importation of slaves into the Southern States, where their services were most in demand, was hardly less than twenty-five thousand, so great was the industry conducted in Virginia and Maryland. The number of slave women in Virginia was considerably in excess of that of men, the former being regarded in the same light as brood mares. Olmsted reports a

conversation with a Virginia gentleman who congratulated himself "because his women were uncommonly good breeders; he did not suppose there was a lot of women anywhere that bred faster than his; he never heard of babies coming so fast as they did on his plantation; . . . and every one of them, in his estimation, was worth two hundred dollars, as negroes were selling now, the moment it drew breath." Frederick Douglass speaks of his master's telling of having bought a woman simply "as a breeder." James Freeman Clark, in his *Anti-Slavery Days*, discourses interestingly of a visit to Baltimore, during which he was told by a friend that while at a party one night the latter had pointed out to him a lady, fashionably dressed, and evidently of recognized social consequence, whose income was derived from the sale of the offspring of a half-dozen negro women whom she owned and whom she bred to men belonging to other masters. It was not an uncommon thing for newspaper advertisements to emphasize the merits of a negro woman by stating that she was "very prolific in her generating qualities."

Slave marriages were not recognized by any of the States, and the rule that the child should follow the condition of the mother generally prevailed. Except in Louisiana, there was no law to prevent the violent separation of husbands from wives or children from parents. Even the church was affected by the prevailing laws, and when the Savannah River Baptist Association was asked as to whether slaves thus involuntarily separated should be allowed to marry again, it replied in the affirmative, upon the ground that such civil separation severed all existing obligations, and that the ministers delivering this opinion believed "that in the sight of God it would be so viewed." It was also thought proper and regarded as a commendable exhibition of obedience to their masters that slaves should be ready to raise progeny for them. It is unnecessary to remark that under such conditions chastity was impossible as a virtue for colored women. Sometimes the sons of planters would conceive a sentiment

for a slave girl which might be avowed and which did not receive social condemnation. Harriet Martineau relates an occurrence of this sort. "A Southern lady, of fair reputation for refinement and cultivation, told the following story in the hearing of a company, of whom some were friends of mine. She spoke with obvious unconsciousness that she was saying anything remarkable: indeed, such unconsciousness was proved by her telling the story at all. She had possessed a very pretty mulatto girl, of whom she declared herself fond. A young man came to stay at her house and fell in love with the girl. 'She came to me,' said the lady, 'for protection, which I gave her.' The young man went away, but after some weeks returned, saying he was so much in love with the girl that he could not live without her. 'I pitied the young man,' concluded the lady, "so I sold the girl to him for fifteen hundred dollars.' "

Slaves were merely chattels and could be transferred under the same conditions as other goods. It was not necessary even that the transaction should be reduced to writing. The cruelty of separating families involved in the commercial side of slavery aroused the most profound indignation in the North, and especially did Northern women take up the cause of the negro women. Yet the sympathy of the North on this subject did not find full justification for, although there were instances of heart-rending separations, such instances were exceptional. Some owners of slaves paid little regard to the sundering of family ties, except as they were influenced by the consideration that when such attachments were broken the slaves usually became disagreeable and less obedient. But usually the Southern planters, in disposing of their slaves, made it a point of never separating members of a family. There were many instances of men suffering financial sacrifice rather than cause their slaves the pain of severance of blood ties. Indeed the best sentiment of the South gave hearty approval to this course.

In his detailed account of a slave auction at Richmond, William Chambers, the publisher, of Edinburgh, tells of ten

negroes offered for sale, and describes the purchasers as "examining them by feeling the arms of all and the ankles of the women, looking into the mouths, and examining with care their hands and fingers. One of the lots consisted of a full-blooded negro woman and her three children. Her children were all girls, one of them a baby at the breast, three months old, and the others two and three years of age. . . . There was not a tear or an emotion visible in the whole party. Everything seemed to be considered a matter of course; and the change of owners was possibly looked forward to with as much indifference as ordinary hired servants anticipate a removal from one employer or another. In conversation with the woman, Chambers learned that she had been separated from her husband two days and she professed to be deeply grieved at the thought of a lasting separation. The writer continues: "I have said that there was an entire absence of emotion in the party of men, women and children thus seated, preparatory to being sold. This does not correspond with the ordinary accounts of slave sales, which are represented as tearful and harrowing. My belief is that none of the parties felt deeply on the subject, or at least that any distress they experienced was but momentary—soon passed away and was forgotten. One of my reasons for this opinion rests on a trifling incident which occurred. While waiting for the commencement of the sale, one of the gentlemen present amused himself with a pointer dog which, at his command, stood on its hind legs and took pieces of bread from his pocket. These tricks greatly entertained the row of negroes old and young; and the poor woman whose heart three minutes before was almost broken now laughed as heartily as any."

When Seward visited Virginia in 1846 there were on the steamboat with him seventy-five slaves consigned to a New Orleans market. As they arrived at a port of entry, a ship was resting at anchor to receive them and bear them to the South. This vessel already had on board one hundred and twenty-five negroes doomed to the same destiny. Seward

watched with mingled feelings the transfer of the seventy-five slaves to the ship, and was addressed by a gentleman. He relates the circumstance as follows: "As I stood looking at this strange scene a gentleman stepped up to my side and said, 'You see the curse that our forefathers bequeathed to us.' I replied, 'Yes,' and turned away, to conceal manifestations of sympathy I might not express. 'Oh,' said my friend, 'they don't mind it; they are cheerful; they enjoy the transportation and travel as much as you do.' 'I am glad they do,' said I, 'poor wretches!' The lengthened file at last had all reached the deck of the slaver, and we cut loose. The captain of our boat, seeing me intensely interested, turned to me and said: 'Oh, sir, do not be concerned about them; they are the happiest people in the world.' I looked, and there they were—slaves, ill protected from the cold, fed capriciously on the commonest food—going from all that was dear to all that was terrible, and still they wept not. I thanked God that he had made them insensible. And these were 'the happiest people in the world!'" The characteristic shallowness of the negro was remarked upon by Jefferson, himself a foe to slavery, but who observed the negroes with the eye of the planter and the philosopher. In his notes on Virginia he comments as follows: "They are more ardent [than white men] after their females, but love seems with them to be more an eager desire than a tender, delicate mixture of sentiment and sensation. Their griefs are transient. Those numberless afflictions which render it doubtful whether Heaven has given life to us in mercy or in wrath, are less felt and sooner forgotten with them." When the negro was made the subject of Northern commiseration and given the advantage of association with the tender-hearted and refined women of that section he invariably showed the effect of such association, but it was largely a matter of imitation and the easy adaptability of the inferior race.

The advertisements which appeared in the Southern journals showed the extent of the slave trade and the callousness

it bred. These advertisements associated together negroes, cattle, and other commodities. It was not unusual to see such advertisements in the papers as the announcement of a sale of "ten head of cattle, twenty-five head of hogs, and seven negroes;" "twenty-five prime young men, forty of the most likely young women, and as fine a set of children as can be shown;" or "ninety negroes just arrived from Richmond, consisting of field hands, house servants, carriage drivers, several fine cooks, and some excellent mules and one very fine riding horse." *The Religious Herald*, a Baptist journal, published in Richmond, contained the following curious notice: "Who wants thirty-five thousand dollars in property? I am desirous to spend the balance of my life as a missionary, if the Lord permit, and therefore offer for sale my farm, the vineyard adjacent to Williamsburg . . . and also about forty servants, most young and likely, and rapidly increasing in numbers and value." That these advertisements may not be regarded as exceptional, it remains only to add that by actual count made from the advertisements in sixty-four newspapers, published in eight slave States, during the last two weeks of November, 1852, there were offered for sale during that period four thousand one hundred negroes.

The negroes were regarded by their masters as children, and it was not considered cruel to flog them unless the punishment were unnecessarily severe. Although flogging was the practice, cruelty was the exception. Abolitionists, however, fixed upon the exceptional instances and spread them broadcast in their literature as picturing the normal condition on the Southern plantation. But unfortunately these exceptional instances were numerous enough to affect the reputation of the entire South. It is a well attested fact that slaves were sometimes whipped to death, and although the perpetrator of the crime might be brought to justice, most frequently he was not, as no witnesses could be produced except slaves. Burning negroes at the stake was not an unknown practice then any more than it is now,

and indeed the circumstances leading to that form of barbarity were usually the same that are responsible for such proceedings to-day. There were plantations on which slaves were never whipped, but the discipline on those plantations was invariably lax and the master fell in the respect of the slaves and received no gratitude for his consideration. It must be remembered that under the prevailing system the only alternatives left the owner of a plantation depending necessarily upon slave labor were to punish his slaves or to become a victim of their idleness.

The slaves had little opportunity to acquire even the rudiments of an education. North Carolina, South Carolina, Georgia, Alabama, and Louisiana forbade the teaching of slaves to read or write, and in Virginia the owners alone were permitted to give instruction to their slaves. The laws of North Carolina permitted the slaves to be taught arithmetic. Much of the stringency in the laws affecting slaves was due to the Nat Turner insurrection in 1831. The apology of the South for its anti-education laws was the necessity the section was under to keep slaves from reading abolition literature. The year 1831 also marked approximately the time when the theory that slavery is a positive good began to be maintained. Other reasons for keeping the negroes in ignorance than the one mentioned were advanced. The view of a Georgia rice and cotton planter was quite general. He said that "the very slightest amount of education, merely teaching them to read, impairs their value as slaves, for it instantly destroys their contentedness; and since you do not contemplate changing their condition, it is surely doing them an ill service to destroy their acquiescence in it." The slavery debate in Congress, session after session, had its effect upon Southern sentiment. Seward made a visit to Culpepper Court House, Virginia, in 1857, and wrote thence to his wife: "It is quite manifest that the long debate about slavery has made a deep impression on the minds and hearts of the more refined and generous portion of the families in Virginia. The word

'slaves' is seldom used. They are 'servants,' 'hands.' They are treated with kindness, and they appear clean, tidy, and comfortable. I happened to fall in upon a husking frolic on Mr. Pendleton's plantation, and it was indeed a merry and noisy scene. My visit was very pleasant. Mrs. Pendleton is a lady you would respect and love. She is sad with cares and responsibilities which she has too much conscientiousness to cast off." With regard to the education of the slaves, or rather the lack of it, it must be said that those possessing the rudiments of an education seldom displayed an ambition to progress. There were, it is true, few incentives to advance to a being denied legal rights and esteemed to have been created for bondage. There was one matter in which the slaves were allowed large liberty. Emotional by nature as are the negroes, to have deprived them of religious opportunities would have been to have robbed them of contentment and happiness. Indeed, many masters were quite solicitous for the religious culture of their slaves and marriages between slaves received the sanction of the church. Often the slaves upon an estate were preached to by one of their own number. After the Nat Turner alarm it was customary to have white men present at the negro meetings, and in some States this was required by law. There were also legal restrictions in regard to slaves assembling at night for worship. Free blacks following the calling of itinerant ministers were everywhere regarded by the whites as troublesome persons and usually they were not allowed on the plantation.

The household servants were better cared for than the field hands, they were better fed, better clothed, and, being imitative by nature, soon acquired the habits of the whites. The household slave was often much better off than the household servant of to-day, excepting for the single fact of the denial to him of liberty.

The mixture of the white and negro races was amply attested by the numbers of mulattoes, quadroons, and of slaves whose appearance evidenced even a larger proportion

of white blood. The union thus indicated was invariably that of the white man and the negress—the giving birth to a colored child by a white woman being almost unknown. This condition was a logical result of the accepted theory that the person of the slave belonged to her master. De Tocqueville says "nature sometimes, re-asserting her rights, re-establishes for a moment equality between the whites and the blacks. At the North, pride restrains the most imperious of human passions. The Northern man would perhaps consent to make the negress the transient companion of his pleasure if the legislators had declared that she could never aspire to share legitimately his bed; but as she may legally become his wife, he shrinks from her with a kind of horror." This theory, however, does not comport with the facts, as when the black slave population of the North was considerable, in the colonial period, the New England colonies found it necessary to pass laws against the amalgamation of the races, laws made necessary by the scandal of a large proportion of mulattoes among the serviles. The idea of the superiority of the white race was so generally accepted by the negroes that any female of that race felt honored at bearing offspring that had in its veins the blood of her master. Such children, because of their lighter complexion and quicker wits, were sought after as house servants. The negro husband seldom felt chagrined at his wife having caught the fancy of her master.

The prevalence of miscegenation is remarked upon by all writers upon American social life of the period. Harriet Martineau comments upon the reflex effect of this condition upon the families in the Southwestern States as follows: "What security for domestic purity and peace there can be where every man has had two connexions, one of which must be concealed; and two families, whose existence must not be known to each other; where the conjugal relation begins in treachery, and must be carried on with a heavy secret in the husband's breast, no words are needed to explain. If this is

the system which is boasted of as a purer than ordinary state of morals, what is to be thought of the ordinary state? It can only be hoped that the boast is an empty one." The same writer remarks that "The quadroon connexions in New Orleans are almost universal, as I was assured on the spot by ladies who can not be mistaken. . . . The quadroon girls of New Orleans are brought up by their mothers to be what they have been; the mistresses of white gentlemen. Some of the boys are sent to France; some are placed on land in the back of the State; and some are sold in the slave market. They marry women of a somewhat darker colour than their own; the women of their own colour objecting to them, *ils sont si dégoûtants!* The girls are highly educated, externally, and are, probably, as beautiful and accomplished a set of women as can be found. Every young man early selects one, and establishes her in one of those pretty and peculiar houses, whole rows of which may be seen in the Remparts. The connexion now and then lasts for life; usually for several years. In the latter case, when the time comes for the gentleman to take a white wife, the dreadful news reaches his quadroon partner, either by a letter entitling her to call the house and furniture her own, or by the newspaper which announces his marriage. The quadroon ladies are rarely or never known to form a second connexion. Many commit suicide; more die broken-hearted. Some men continue the connexion after marriage. Every quadroon woman believes that her partner will prove an exception to the rule of desertion. Every white lady believes that her husband has been an exception to the rule of seduction."

The quadroons and octoroons were derived from the admixture of the original Spanish and French population with the negroes. The negro characteristics had become almost entirely eliminated through the transfusion of blood, and the type evolved embodied the best graces of female beauty. The girls were frequently sent to Paris to be educated. They were remarkably graceful and elegant in carriage, and

dressed with exquisite taste. Nothing but the taint of African blood debarred them from full qualification for the best society of the country. Although they could not marry white men, they scorned an alliance with men having negro blood in their veins, and so became the petted mistresses of the gilded youth of the city. Jefferson, in his *Notes on Virginia*, to which reference has already been made, although writing at a much earlier date than that of which we are treating, was writing of similar facts, and adverted to the effect of the institution of slavery on the bringing up of children in one aspect as follows: "The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part and degrading submissions on the other. Our children see this and learn to imitate it. . . . The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives a loose rein to the worst of passions, and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities."

A description of the South cannot be complete without mention of the large class known as "poor whites." Olmsted treats of these miserable beings, ill housed and ignorant, without physical hardihood or moral stamina, in a comparison which he institutes between the poor whites of Georgia and the inhabitants of Cape Cod; he remarks: "There is hardly a poor woman's cow on the Cape that is not better housed and more comfortably provided for than a majority of the white people of Georgia." Further he writes: "In both there is frankness, boldness, and simplicity; but in the one it is associated with intelligence, discretion, and an expansion of the mind, resulting from considerable education; in the other, with ignorance, improvidence, laziness, and the prejudices of narrow minds." It was of this class and in defence of them that Helper wrote his *Impending Crisis*, in which he arraigned slavery not so much from the point of view of moral wrong as from that of the social and economic

injustice which it wrought upon the non-slaveholding element of the South, whom it reduced to the barest poverty—poverty so abject as to find few parallels in this country in any period. The poor whites of the South viewed the prosperity of the slaveholding class with bitter envy. Their feelings were much the same as those of the impoverished agriculturists of England who found a champion in Wat Tyler. The poor whites voted loyally for the interests of their section, while the slaveholders held all the political offices. Southern intolerance of labor made it almost impossible for a man who had toiled for his bread to be sent to Congress or to be honored with any prominent position in the State.

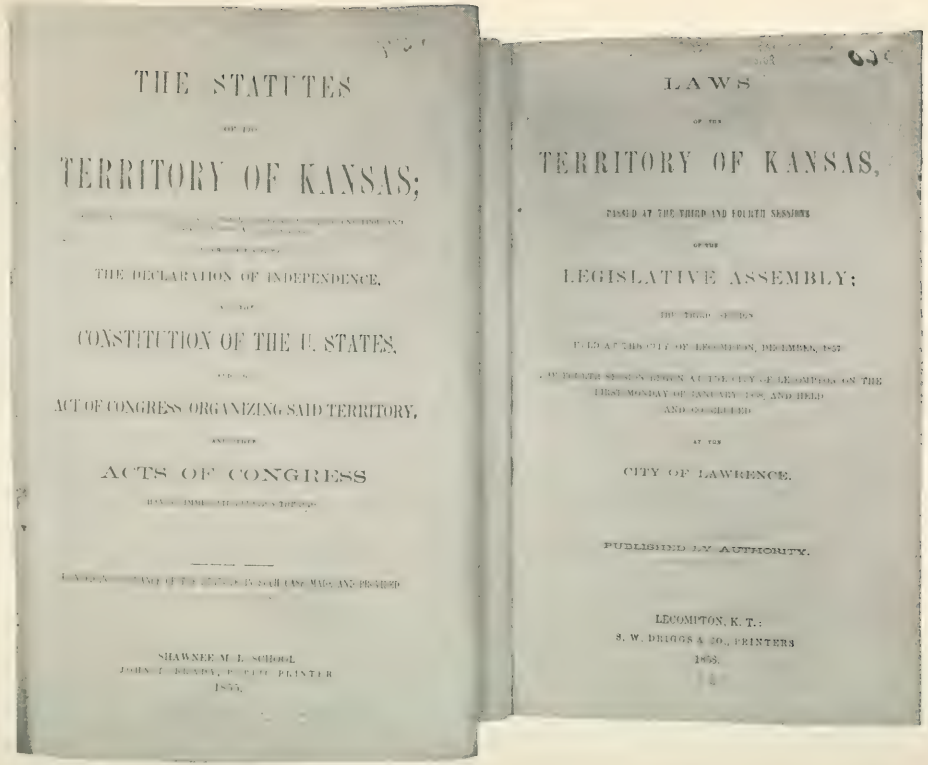
Although the slaveholders were in marked minority to the non-slaveholders, they formed the ruling caste and constituted an oligarchy none the less tyrannical because it was under republican forms. The total white population of the slaveholding States in 1850 was six million one hundred and twenty-five thousand, of whom only three hundred and forty-seven thousand five hundred and twenty-five were slaveholders, so that less than a third of the white people of the South were the beneficiaries of its "peculiar institution." The oligarchic element centred its power in a much smaller number of persons than the actual slaveholders. The true oligarchy consisted of persons owning fifty or more slaves, of whom there were but eighty thousand. These persons constituted the society of the South, which embraced the few persons of education, the merchants, the doctors, the lawyers, and the politicians. These owned large estates and lived in elegance and luxury, and centred in New Orleans, Charleston, and Richmond. Manual labor was considered degrading, and the state of industry presented few opportunities for skilled employment, even if the poor white man had been an artisan, which, as a rule, he was not. Chancellor Harper defends this aspect of slavery in his *Pro-Slavery Argument* in the following manner: "In all social systems there must be a class to do the menial

duties, to perform the drudgery of life; that is, a class requiring but a low order of intellect and but little skill. Its requisites are vigor, docility, fidelity. Such a class you must have, or you would not have that other class which leads progress, civilization, and refinement. It constitutes the very mud-sill of society and of political government; and you might as well attempt to build a house in the air as to build either the one or the other except on this mud-sill. Fortunately for the South, she found a race adapted to that purpose to her hand."

The South was prolific in lawyers and politicians, for these could best serve her ends and law and politics formed the avenues of public service most congenial to the young men who passed out from college. The Southerner often was an orator and was usually an acute reasoner who knew how to couch his thoughts in forceful language. But the dearth of talent among Southern men in other directions was as striking as the section's preëminence in men of oratorical ability and legal acumen. Aside from the matter of slavery, the more or less isolated life of the great mass of the Southern people, due to the plantation system, had much to do with the failure of that section to develop men and women distinguished for preëminence in science, philosophy, or literature.

The personal characteristics of the members of the Southern aristocracy were most delightful; they were hospitable, cultured, and refined. The Southerner appeared to the best advantage in society and in conversation. His attitude toward women was distinguished by a chivalrous courtesy, to which the more matter-of-fact Northerner was not so well adapted. Conversation was to the men an art and to the women an inimitable grace. Society was the setting for which every life in the circles of the Southern aristocracy was developed. They knew not only how to interest, but they knew how to set their guests at ease and to call out from them the best expression of their inner selves. They were just enough acquainted with literature, art, and science to employ these as adjuncts to polite




THE STATUTES

OF THE

TERRITORY OF KANSAS;

THE DECLARATION OF INDEPENDENCE,

THE

CONSTITUTION OF THE U. STATES,

AND

ACT OF CONGRESS ORGANIZING SAID TERRITORY,

AND THE

ACTS OF CONGRESS

SHAWNEE M. L. SCHOOL

1855.

LAWS

OF THE

TERRITORY OF KANSAS,

PASSED AT THE THIRD AND FOURTH SESSIONS

OF THE

LEGISLATIVE ASSEMBLY;

AND HELD AT THE CITY OF LECOMPTON, DECEMBER, 1857

AND SESSION HELD AT THE CITY OF LECOMPTON ON THE

FIRST MONDAY OF JANUARY 1858, AND HELD

AND ADJOURNED

AT THE

CITY OF LAWRENCE.

PUBLISHED BY AUTHORITY.

LECOMPTON, K. T.:

S. W. DEBOGS & CO., PRINTERS

1858.

Statutes, called the "Bogus Statutes," and Laws of the Territory of Kansas. *From originals in possession of the Kansas State Historical Society.*

converse. Although there were more well-bred people in the North than in the South, the palm must readily be accorded to the latter in a comparison between the cream of society North and South. The aristocracy in the South had much in common with the aristocracy in England, so that when well-bred and titled Englishmen travelled through the Southern States they instinctively felt the community of breeding and of sentiments existing between themselves and the wealthy slaveholder.

Having considered the Southern institution and Southern society, it now remains to glance at contemporary opinion with regard to slavery as found in the literature of the two sections. The dimensions of the chapter will not permit more than a reference to two or three such sources. The book above all others which is regarded as a picture of slavery conditions, at least by persons in the North, and which had much to do with the contemporary agitation in the Northern States against the institution, is Harriet Beecher Stowe's *Uncle Tom's Cabin*, which is too well known to call for any quotations from it. Southerners were angered by this book more than by any other attack made upon them and characterized it as a slanderous and vituperative publication, unworthy of credence by any person of a fair and honest mind. The criticism was of the bitterest kind.

But all Northerners were not so impressed with the evils of slavery, for, as we have seen, even after the agitation had assumed a national aspect and had enlisted the general sentiment of the North, there were some who were more mindful of profit from Southern trade than of the principles involved in Southern institutions. James Russell Lowell had this class in mind when he wrote *The Doughface's Creed*, which was published in 1848. A stanza will serve to give the spirit of the verses:

> "I du believe in Freedom's cause,
> Ez fur away ez Paris is;
> I love to see her stick her claws
> In them infarnal Pharisees;

It's wal enough agin a king
To dror resolves an' triggers,—
But libbaty's a kind o' thing
Thet don't agree with niggers."

John Greenleaf Whittier was the first of the greater American poets to advocate the abolition of slavery. An editor and an active official of the American Anti-Slavery Society, he threw himself with energy and zest into the crusade against the institution which he so fervently abhorred. The seizure of George Latimer in Boston on the charge of being a fugitive slave from Virginia evoked from the poet a stirring protest. The poem from which the quotation is made was published in 1843:

"What asks the Old Dominion? If now her sons have proved
False to their fathers' memory—false to the faith they loved;
If she can scoff at Freedom, and its great charter spurn,
Must we of Massachusetts from truth and duty turn?

"We hunt your bondmen, flying from Slavery's hateful hell—
Our voices, at your bidding, take up the bloodhound's yell—
We gather, at your summons, above our fathers' graves,
From Freedom's holy altar-horns to tear your wretched slaves!

. . . . . .

"Look to it well, Virginians! In calmness we have borne,
In answer to our faith and trust, your insult and your scorn;
You've spurned our kindest counsels—you've hunted for our lives—
And shaken round our hearths and homes your manacles and gyves!

"We wage no war—we lift no arm—we fling no torch within
The fire-damps of the quaking mine beneath your soil of sin;
We leave ye with your bondmen, to wrestle, while ye can,
With the strong upward tendencies and God-like soul of man!

"But for us and for our children, the vow which we have given
For freedom and humanity, is registered in Heaven;
No slave-hunt in our borders—no pirate on our strand!
No fetters in the Bay State—no slave upon our land!"

In contrast with the aversion in which slavery was held in the North and the refusal of the people of that section who were influenced by the generally prevailing opinion to

admit any merit in the system may be cited a more cheerful view of the institution as given by Charles Lyell, the famous English geologist, who, although he visited America as a scientist, offers in his book of travels many interesting observations upon American life and institutions. His delineations of plantation life are true to fact and present a much more interesting picture than the sombre portrayals of Northern pens, which were alert for incident and circumstance to substantiate their sectional views. Says Mr. Lyell: "The negroes, so far as I have yet seen them, whether in domestic service or on the farms, appear very cheerful and free from care, better fed than a large part of the labouring class of Europe; and, though meanly dressed, and often in patched garments, never scantily clothed for the climate. We asked a woman in Georgia, whether she was the slave of a family of our acquaintance. She replied, merrily, 'Yes, I belong to them, and they belong to me.' She was, in fact, born and brought up on the estate. . . .

"Arriving often at a late hour at our quarters in the evening, we heard the negroes singing loudly and joyously in chorus after their day's work was over. On one estate, about forty black children were brought up daily before the windows of the planter's house, and fed in sight of the family, otherwise, we were told, the old women who have charge of them might, in the absence of the parents, appropriate part of their allowance to themselves. All the slaves have some animal food daily. When they are ill, they sometimes refuse to take medicine, except from the hands of the master or mistress; and it is of all tasks the most delicate for the owners to decide when they are really sick, and when only shamming from indolence. . . .

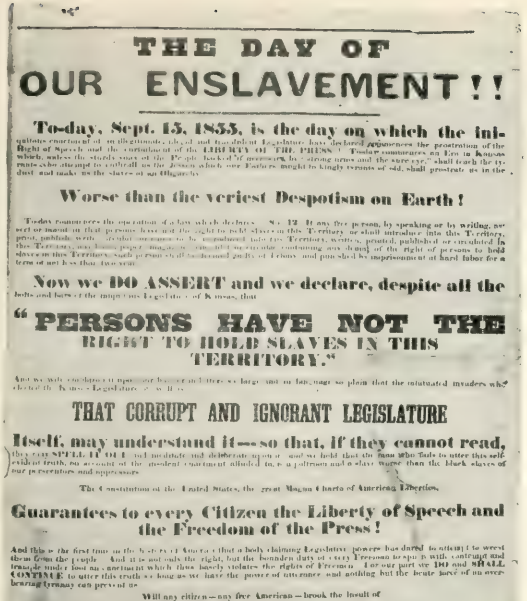
"After the accounts I had read of the sufferings of slaves, I was agreeably surprised to find them, in general, so remarkably cheerful and light-hearted. It is true that I saw no gangs working under overseers on sugar-plantations, but out of two millions and a half of slaves in the United States, the larger proportion are engaged in such farming

occupations and domestic services as I witnessed in Georgia and South Carolina. I was often for days together with negroes who served me as guides, and found them as talkative and chatty as children, usually boasting of their master's wealth, and their own peculiar merits."

The observations of Lyell upon the relations of master and slaves are borne out by ample corroborative testimony. The condition of a slave on the plantation, excepting for his deprivation of freedom, is regarded by many students of Southern institutions as having afforded the negro more elements of happiness than he has been able to secure by his own efforts since his emancipation.

Authorities could be quoted in profusion in defence of slavery, but such authorities would for the most part be Southern sources. Instead of extended citations some views taken from representative sources will suffice to show the grounds upon which the institution of slavery was regarded by Southerners to have warrant. A favorite argument was the utilitarian one. It was held by those who advanced this view that, admitting the evils of slavery, it was for the time being the most advantageous relation between the two races at the South. The fear of the Southern slaveholder was the conferment of civil rights which he conceived would follow the liberation of the slaves. This consideration caused many Southern men to advocate slavery who, otherwise, would gladly have seen it abolished. It was declared that, if the slaves were freed and given the suffrage, no rational man could live in such a state of society. Indeed, many persons who travelled through the South and gained their impressions of the conditions there existing at first hand were willing to concede that the slaveholders were a class of men who were entitled to consideration at the hands of the North by reason of the fact that they were quite of the opinion that slavery was an evil in itself, however necessary it had become by conditions.

De Tocqueville was impressed with the supreme difficulties that slavery presented and remarked: "I am obliged to



THE DAY OF OUR ENSLAVEMENT!!

To-day, Sept. 15, 1855, is the day on which the iniquitous enactment of an illegitimate, tyrannical and fraudulent Legislature has declared synonymous the prostration of the Right of Speech and the extinction of the LIBERTY OF THE PRESS! To-day commences an Era in Kansas which, unless the steadfast voice of the People backed by the energies, both willing arms and the sure aim, shall teach the tyrants who attempt to enthrall us the lesson which our Fathers taught to kingly tyrants of old, shall prostrate us in the dust and make us the slaves of an Oligarchy.

Worse than the veriest Despotism on Earth!

To-day commences the operation of a law which declares — Sec. 12. It any free person, by speaking or by writing, or act or word in that presence has not the right to hold slaves in this Territory, or shall introduce into this Territory, print, publish, write or circulate any work or book printed, published or circulated in this Territory, any book, paper, magazine, circular or any other instrument, containing any denial of the right of persons to hold slaves in this Territory, such person shall be deemed guilty of felony, and punished by imprisonment at hard labor for a term of not less than two years.

Now we DO ASSERT and we declare, despite all the bolts and bars of the imported Legislature of Kansas, that

"PERSONS HAVE NOT THE RIGHT TO HOLD SLAVES IN THIS TERRITORY."

And we will continue to speak out our thoughts freely and fearlessly, and in language so plain that the infatuated invaders who elected the Kansas Legislature can understand it.

THAT CORRUPT AND IGNORANT LEGISLATURE

Itself, may understand it—so that, if they cannot read, they can SPELL OUT and meditate and deliberate upon it, and so hold that the man who fails to utter this self evident truth, on account of the modern Continental attached to a politician and a slave owner than the black slaves of our pro-slavery oppressors.

The Constitution of the United States, the great Magna Charta of American Liberties,

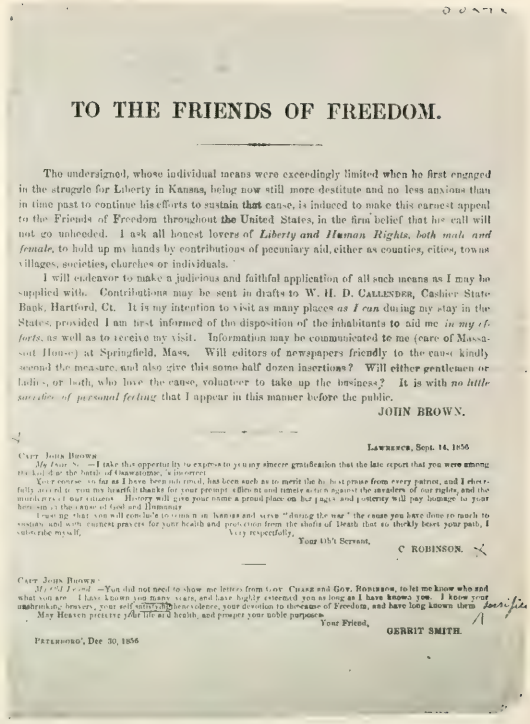
Guarantees to every Citizen the Liberty of Speech and the Freedom of the Press!

And this is the first time in the history of America that a body claiming Legislative powers has dared to attempt to wrest them from the people. And it is not only the right, but the boundden duty of every Freeman to speak with, courage and firmness under just such enactment which does barely violates the rights of Freemen. Let us just say DO and SHALL CONTINUE to utter this truth so long as we have the power of utterance, and nothing but the brute force of an overbearing tyranny can prevent us.

Will any citizen—any free American—brook the insult of

AN INSOLENT GAG LAW!!

The work of a Legislature elected by bullying ruffians who invaded Kansas with arms, and whose atrocities revolve, and insults to our peaceable, unoffending, and comparatively unarmed citizens, were a disgrace to manhood, and a burlesque upon popular Republican Government! If they do, they are slaves already, and with them Freedom is but a mockery.



TO THE FRIENDS OF FREEDOM.

The undersigned, whose individual means were exceedingly limited when he first engaged in the struggle for Liberty in Kansas, being now still more destitute and no less anxious than in time past to continue his efforts to sustain that cause, is induced to make this earnest appeal to the Friends of Freedom throughout the United States, in the firm belief that his call will not go unheeded. I ask all honest lovers of *Liberty and Human Rights, both male and female*, to hold up my hands by contributions of pecuniary aid, either as counties, cities, towns villages, societies, churches or individuals.

I will endeavor to make a judicious and faithful application of all such means as I may be supplied with. Contributions may be sent in drafts to W. H. D. Callender, Cashier State Bank, Hartford, Ct. It is my intention to visit as many places *as I can* during my stay in the States, provided I am first informed of the disposition of the inhabitants to aid me *in my efforts*, as well as to receive my visit. Information may be communicated to me (care of Massasoit House) at Springfield, Mass. Will editors of newspapers friendly to the cause kindly second the measure, and also give this some half dozen insertions? Will either gentlemen or ladies, or both, who love the cause, volunteer to take up the business? It is with *no little sacrifice of personal feeling* that I appear in this manner before the public.

JOHN BROWN.

Lawrence, Sept. 14, 1856

Capt. John Brown,

My dear Sir.—I take the opportunity to express to you my sincere gratification that the late report that you were among the killed in the battle of Osawatomie, is incorrect.

Your course so far as I have been informed, has been such as to merit the highest praise from every patriot, and I cheerfully accord to you my heartfelt thanks for your prompt, efficient and timely action against the invaders of our rights, and the murderers of our citizens. History will give your name a proud place on her pages and posterity will pay homage to your heroism in the cause of God and Humanity.

In urging that you will consider it common in Kansas and urge "during the war" the cause you have done so much to sustain and with earnest prayers for your health and protection from the shafts of Death that so thickly beset your path, I subscribe myself,

Very respectfully,

Your ob't Servant,

C. ROBINSON.

Capt. John Brown:

My old Friend.—You did not need to show me letters from Gov. Chase and Gov. Robinson, to let me know who and what you are. I have known you many years, and have highly esteemed you as long as I have known you. I know your unblemished, bravery, your self-sacrificing disinterestedness, your devotion to the cause of Freedom, and have long known them. *Inscribe*

May Heaven preserve your life and health, and prosper your noble purposes.

Your Friend,

GERRIT SMITH.

Peterboro', Dec 30, 1856

Broadsides relating to the pro-slavery troubles in Kansas. *From originals in possession of the Kansas State Historical Society.*

confess that I do not regard the abolition of slavery as a means of putting off the struggle between the two races in the Southern States. . . . God forbid that I should justify the principle of negro slavery as some American writers have done; but I only observe that all the countries which formerly adopted that execrable principle are not equally able to abandon it at the present time."

It is not strange that when outsiders conceded the seeming necessity of the South's retention of slavery that many Southerners could be found not only to accept it and justify it upon the grounds of utility, but to defend it as in itself justifiable. Writing upon this phase of the subject, the Southern apologist, W. Gilmore Simms, says: "Twenty years ago few persons in the South undertook to justify negro slavery, except on the score of necessity. Now, very few persons in the same region question their perfect right to the labor of their slaves; and more, their moral obligation to keep them still subject as slaves, and to compel their labor, as long as they remain the inferior beings which we find them now, and which they seem to have been from the beginning. This is a great good, the fruit wholly of the hostile pressure." The pro-slavery argument from which this excerpt is made is a book of collected essays, published at Charleston in 1852, and containing the views of the most distinguished writers of the Southern States. In this same volume, Chancellor Harper argues in behalf of slavery upon abstract grounds and Governor Hammond undertakes to prove that domestic slavery was not only an inexorable necessity for the present, "but a moral and humane institution, productive of the greatest political and social advantages." The chief argument in favor of slavery, however, was drawn from Scriptural precedent.

It is not difficult to perceive that the contention over slavery which divided the country by a sharp line, like most other great disputes, was largely due to a difference, an intrinsic difference, of viewpoint. The men of the North who knew slavery only by report through partisan sources

or who gathered their impressions of it from its most flagrant aspects could not think of their brethren of the South excepting with feelings of detestation as toward men who were wantonly wicked and had perjured their souls for unlawful gain. The Southern point of view hardly needs recapitulation. There, conditions had to be met, and theories as to the righteousness of those conditions were evolved as an afterthought, a justification set up to stem the tide of abolition sentiment which was sweeping over the North.

Responsible as the South must be held for her own condition, nevertheless the rapid growth of the West and the consequent deflection of labor, capital, and manufacturing enterprise to that section of the country militated greatly against the development of the South. In 1830, little was known in the East with regard to the actual extent, the geographical features, and the possibilities of the great country of wide-sweeping prairies west of the Mississippi. But the pioneers had pierced the wilds and had undertaken that hand-to-hand struggle with nature and the Indians which resulted in the retention of the land for the white man. The inherent hunger for land—the Saxon characteristic—surmounted all obstacles; difficulties served but to spur the determination of the American pioneer and to urge him on to those triumphs which form a monument to his hardihood. Men like Daniel Boone, Kenton, Harrod, Putnam, Clark, Samuel Houston, Harrison, and McCracken made of the pioneer days of the American nation a romance and a drama. When in 1782 the dying McCracken, carried back from the triumphant expedition of General Clark to revenge the Blue Licks massacre, arrived at the crest of the hills that overlook the magnificent amphitheatre in which Cincinnati lies, he halted his carriers, and, gathering his comrades in arms about his litter, pledged them, if alive fifty years hence, to meet at that spot and mark the development of the city, then comprised of only two houses, but whose future greatness he foresaw because he well understood the strategical advantages of the location of the little settlement.

On November 4, 1832, keeping the tryst, the survivors of the little company found Cincinnati already the leading city of the Ohio valley. By 1850 it contained one hundred and twenty-five thousand inhabitants and had an import trade which was full of promise of great commercial development for the city. When Missouri was admitted into the Union in 1820, St. Louis had a population of five thousand, which in the next two decades increased to sixteen thousand four hundred and ninety-six. In the next ten years it jumped to seventy-seven thousand four hundred and sixty-five. This rapid increase was largely due to foreign immigration, drawn chiefly from Germany. The trade of the city was extensive, nearly three thousand steamers arriving during 1850. In 1833, the electors of Chicago, twelve in number, held a town meeting and voted in favor of incorporation. Andreas, in his *History of Chicago*, gives the following description of the frontier town at this time: "The village," he says, "was built along the south side of Water street and westerly toward the settlement at the Forks. There were scattered shanties over the prairies south and a few rough, unpainted buildings between the old Kinzie House and what is now Clark street. Altogether it would, in the light of 1833, have presented a most woebegone appearance, even as a frontier town of the lowest class. It did not show a single steeple, nor a chimney five feet above any roof. A flag staff at the fort, some fifty feet high, flaunted, in pleasant weather and on holidays, a weather-beaten flag, as an emblem of civilization, patriotic pride, national domain, or anything else that might stir the hearts of the denizens of the town." An illustration of the way Chicago ranked in the minds of the people of the East in 1835 is furnished by a colloquy between the Rev. Dr. Joel Hawes, of Hartford, Connecticut, and Judge Williams, of his congregation. The former had received a call to become the pastor of a Presbyterian church which had been organized in Chicago, and took it to Judge Williams with the remark: "I've got a letter from some place out West, called Chick-a-go,

asking me to come there and preach. Can you tell me where it is?"

In order to appreciate the condition of the West, about 1850, a brief glance back through the years will be of value. In 1793, Jedidiah Morse in his *Universal Geography*, which was the best authority upon the geography of North America, said of the trans-Mississippi region: "It has been supposed that all settlers who go beyond the Mississippi will be forever lost to the United States." Of the vast delta between the Mississippi and Missouri Rivers the Long Exploring Expedition of 1820 reported: "It will be perceived to bear a great resemblance to the deserts of Siberia." Olney's *Geography*, in 1731, characterized the same region as a "barren waste," impossible of cultivation. To this great stretch of territory between what were then the outposts of civilization and the Pacific slope the name "Great American Desert" was applied, and of it Washington Irving in his *Astoria*, published in 1836, remarks: "It is to be feared that a great part of it will form a lawless interval between the abodes of civilized man, like the wastes of the ocean or the deserts of Arabia." Sir George Simpson, governor of the Hudson Bay Territory, who published the journal of his tour of the Northwest in 1847, says: "From the inhabited parts of the United States, it (Oregon) is separated by deserts of rock and sand on either side of the dividing ridge of mountains—deserts with whose horrors every reader of Washington Irving's *Astoria* is familiar." But, day by day, the westward trend of empire has pushed back and contracted the boundaries of that unknown, until it is difficult to realize the curious views entertained by the people of that period concerning the "Great American Desert."

One of the strongest incentives for the mastering of the real and imaginary difficulties of the western region was furnished when gold was discovered in California. James W. Marshall, on the 19th of January, 1848, while building a saw mill at Coloma, forty-eight miles from Sacramento,

found what experts of San Francisco pronounced to be gold. By the end of March, 1849, San Francisco was in a condition of frenzied excitement over the gold possibilities of California. Newspapers suspended publication, stores were closed, homes deserted, and throngs made their way to the gold fields. By the middle of summer the migration had begun from Monterey, Los Angeles and Santa Cruz. In the latter part of September the news reached the East, and California became a new Eldorado. By February, 1849, over eight thousand emigrants in one hundred and thirty-seven ships had sailed to California, and by the end of March, the number had risen, according to the New York *Herald*, to eighteen thousand three hundred and forty-one. At the close of the Mexican War the American population of California was fifteen thousand, by July, 1849, it had risen to forty thousand, and the 1st of January, 1850, saw one hundred and twenty thousand Americans and Europeans in the territory and nearly twelve million dollars worth of gold had been deposited in the United States mint. In addition to this sum it was estimated that the amount in private hands aggregated thirty million dollars.

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JAMES BUCHANAN FRANKLIN PIERCE

From the paintings by C. P. A. Healy, in the Corcoran Gallery, Washington.

CHAPTER VII

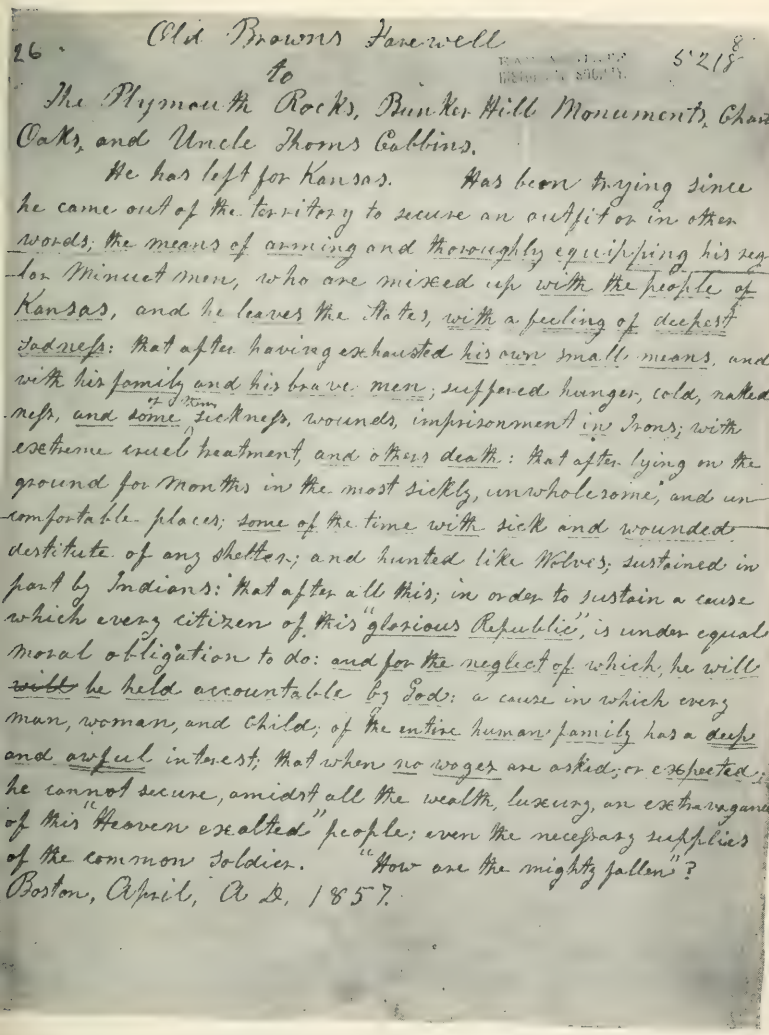
THE COMPROMISE OF 1850

THE scene in the British House of Lords when the elder Pitt, enfeebled by years and by arduous labors in behalf of the great measures which he promoted, fell fainting to the floor and was carried out from the familiar scenes of his long activity to expire within a brief interval, was closely paralleled in the House of Representatives on February 21, 1848. John Quincy Adams, the sole remaining link between the Federalist régime and the turbulent period of partisan politics, entered the House and took his accustomed place. At about one o'clock, after the House had disposed of business of a trivial character the venerable statesman was seen to fall to one side over the arm of his chair. The cry was raised that Mr. Adams was dying. A member had quickly extended his arm and kept the fainting man from lurching heavily to the floor and many other tender hands proffered their assistance in making him comfortable for his last moments. Immediately, the House and Senate adjourned and the insensible form, borne by fellow members of the House, was laid upon a sofa in the rotunda. Carried to the door of the east portico in order that he might be revived by the air, the venerable statesman partially recovered consciousness and whispered: "This is the last of earth. I am content." Throughout the day and through the 22d he lingered, and early in the evening

of the 23d he expired in the Speaker's room. The whole country sought to do him honor and nowhere did orators enter more heartily into their great theme than did those of the South. The man who was unpliable in his attitude toward slavery, whose Puritan principles forbade him to compromise upon the subject of freedom, the man whose keen satire, rugged oratory and bitter and exasperating taunts had often stirred the South to bitter feeling commanded the respect of the South as no quibbler with his convictions ever could have done. Replete with public honors, spotless in his private character, combining courage with consistency, John Quincy Adams had offered to his country more than fifty years of service.

Almost at the moment of Adams's seizure a confidential message from the president, transmitting the treaty with Mexico, was carried to the doors of the Senate. The hasty adjournment of that body prevented its reception until the reconvening of the Senate. For more than a fortnight the Senate debated and considered in committees the conditions of peace. After being amended so as to accord to Mexicans the right to assume American citizenship the treaty, with other slight modifications, was adopted; its ratification, on March 10th, being by more than the required two-thirds vote. Polk, anxious that the formalities should be early completed, returned the treaty to Mexico with little delay in the last days of May. The exchange of ratifications took place at Queretaro and on July 4, 1848, the people were apprised by a proclamation of the president that peace was finally consummated. By the terms of the treaty the largest limits claimed by Texas were conceded by the Mexican government, and New Mexico and California were annexed to the national domain. The vast addition to the territory of the country represented by New Mexico, Upper California and Texas was surpassed only by the acquisition of 1803.

Attorney-General Clifford remained in Mexico as plenipotentiary and Isaac Toucey, of Connecticut, filled his



26. Old Brown's Farewell
to
The Plymouth Rocks, Bunker Hill Monument, Charter Oak, and Uncle Thom's Cabbins.

He has left for Kansas. Has been trying since he came out of the territory to secure an outfit or in other words, the means of arming and thoroughly equipping his regular Minuet men, who are mixed up with the people of Kansas, and he leaves the States, with a feeling of deepest sadness: that after having exhausted his own small means, and with his family and his brave men, suffered hunger, cold, naked-ness, and some sickness, wounds, imprisonment in Irons; with extreme cruel treatment, and others death: that after lying on the ground for months in the most sickly, unwholesome, and uncomfortable places; some of the time with sick and wounded— destitute of any shelter; and hunted like Wolves; sustained in part by Indians: that after all this; in order to sustain a cause which every citizen of this "glorious Republic", is under equal moral obligation to do: and for the neglect of which, he will ~~will~~ be held accountable by God: a cause in which every man, woman, and child, of the entire human family has a deep and awful interest; that when no wages are asked, or expected, he cannot secure, amidst all the wealth, luxury, an extravagance of this "Heaven exalted" people; even the necessary supplies of the common Soldier. "How are the mighty fallen"?
Boston, April, A. D. 1857.

"Old Brown's Farewell," dated Boston, April, 1857. *From the original in possession of the Kansas State Historical Society.*

place in the Cabinet. On July 6th, the president sent a message to Congress that stimulated it to take account of the new conditions brought about by the war and to adjust the nation's policy to them. The president passed under review the recent war in its practical results. He added conciliatory sentiments with regard to the newly acquired territory in its relation to sectional questions. In this connection he said: "In organizing governments over these territories, fraught with such vast advantages to every portion of our Union, I invoke that spirit of concession, conciliation, and compromise in your deliberations, in which the Constitution was framed, in which it should be administered, and which is so indispensable to preserve and perpetuate the harmony and union of the States. We should never forget that this union of confederated States was established and cemented by kindred blood and by the common toils, sufferings, dangers, and triumphs of all its parts, and has been the ever-augmenting source of our national greatness and of all our blessings."

The country was confronted with the cost of the war. And yet that price could not at that time be fully estimated. Subsequent figures have placed it at one hundred and sixty-six million dollars. The public debt had advanced forty-eight million dollars since Polk had entered office. It was now sixty-six million, an amount to which twelve million would have to be added in order to make up the fifteen million of the purchase price of the territory relinquished by Mexico. But the cost of the new territory was not the only problem which the acquisition brought to its purchasers. Immediately, the contest between the slave and free sections of the Union was precipitated. It was impossible that the claims of such discordant elements as the advocates of freedom and the friends of slavery should peaceably adjust their conflicting claims. President Polk foresaw the epoch of strife, and in the message to which we have referred made an appeal to the patriotism of the country for the suppression of sectional feeling: "There has, perhaps," said he,

"been no period, since the warning so impressively given to his countrymen by Washington to guard against geographical divisions and sectional parties, which appeals with greater force than the present, to the patriotic, sober minded, and reflecting of all parties and of all sections of our country. Who can calculate the value of our glorious Union? It is a model and example of free government to all the world and is the star of hope and haven of rest to the oppressed of every clime. By its preservation we have been rapidly advanced, as a nation, to a height of strength, power, and happiness without a parallel in the history of the world. As we extend its blessings over new regions, shall we be so unwise as to endanger its existence by geographical divisions and dissensions?" If the president's language was to be given the only construction of which it was susceptible, it meant that the Missouri Compromise line should be carried on to the Pacific Ocean. This idea was not a new contribution to the political thought of the day; others besides Polk had proposed the same thing. Among these was Buchanan, who, in a letter written August 25, 1847, directly favored the extension of the Missouri Compromise line.

It was one thing for Polk to recommend harmony; it was another thing to bring about his pacific recommendations. A divided Congress was not amenable to such counsels. There were operating in the country principles which were fundamental in human rights and no amount of cutting and piecing of territory could prevent the irruptive forces set in motion by those principles from upheaving the disputed territory and leaving as its eternal mark the rugged lines of an angry cleavage. The nation that at its birth had been fondled to the breast of freedom and which in its early manhood had gone out upon the seas to contest with the greatest naval power of the world the freedom of the ocean paths had by its own history made it impossible that it should compromise the very principle of its existence. Black or white, the spirit of freedom claimed all the children of the New World. Amid the rejoicing of the country at the

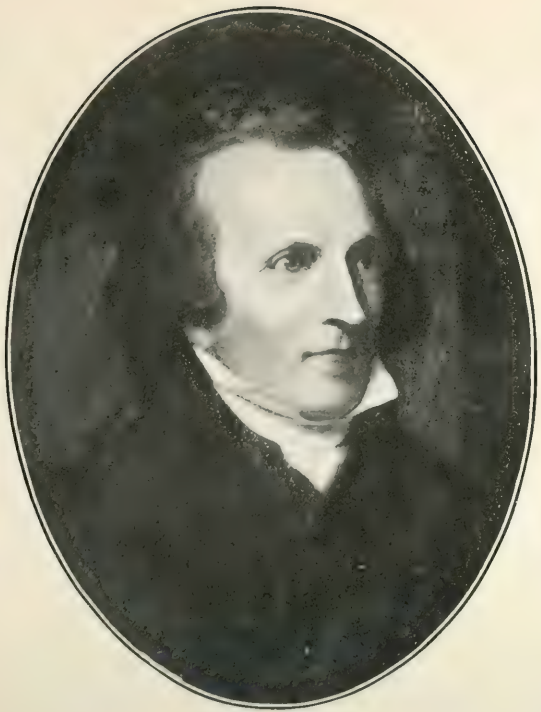
splendid step that laved the nation's foot in the soft waters of the Pacific there was a latent excitement over the domestic consequences of that step.

To the demand of the North that the new territory should not admit slavery, the South made response by drawing together the Whigs and the Democrats into a party of the opposition. The spirit of compromise had come to dominate the sentiments of the South. It was impossible for that section not to feel that moral as well as territorial considerations could be equated. Nor had the South grown accustomed to look for active and forceful opposition from the North; always agitating and always aggressive, the South kept the North timid by the strength of its challenge. At last, it had come to believe that the "self-centred" and "money-making" Northerners could not be brought to fight for the fine sentiments which their abolitionist exponents expressed by word and pen. Cotton had given to the South its commission to enthrall and to keep in bondage the negro, and had placed in the hands of the people the moral code by which they were governed. As ex-President Tyler declared in 1850: "The monopoly of the cotton plant was the great and important concern. That monopoly now secured, places all other nations at our feet."

The president's recommendations passed unheeded by Congress. The presidential canvass was in progress, and the time was regarded as ill suited for the agitation of a question which was bound to bring out sectional differences. Nevertheless, the Whig House took one significant step at this time. Both parties were agreed that it was time for Oregon to be organized into a territory. There were some who hoped that the bill for that purpose might also include California and New Mexico. On August 2d a bill relating solely to Oregon was introduced, and to it was attached the Wilmot Proviso, a section of which extended the Ordinance of 1787 embodying anti-slavery provision over the whole territory. The House voted down that amendment, and the Senate, which had passed the measure, concurred in

the judgment and rescinded its action. President Polk on August 14th gave the bill his approval. In doing so, he declared that the line of thirty-six degrees thirty minutes sufficiently excluded slavery apart from the proviso. At the same time, he expressed regret that a bill had not been introduced and passed organizing the Mexican acquisition with Territorial government. Once more he commended to Congress the extension of the Missouri Compromise line as the proper plan of national subdivision. During July there had been a noteworthy effort made in the Senate to embrace Oregon, New Mexico, and California in a single Territorial bill. This met the slavery problem by proposing to refer the matter to the Supreme Court. This measure, known as the Clayton Compromise, passed the Senate, securing the votes of such extremists as Calhoun and Jefferson Davis; but the House laid the measure on the table, not a Whig representing a free State giving his vote for it. On August 14th, this session of Congress closed. During its sitting, Wisconsin had been admitted as a free State.

The Democrats held their national convention in Baltimore from May 22d to the 26th. Four ballots were taken before a choice for president was secured. From the beginning, Lewis Cass, of Michigan, held the lead. In common with the other candidates, he was against the Wilmot Proviso, and, like the rest of them, he was designated a Northern man with Southern principles. Indeed, the preferences of the delegates in their votes were largely personal rather than political. General W. O. Butler received the nomination for vice-president. The resolutions of the convention expressed the trust of the American Democracy in the patriotism and discriminating justice of the American people. William L. Yancey, of Alabama, offered a resolution to the effect that the doctrine of non-interference with the rights of property of any portion of the people, either in the States or Territories, was the true Republican doctrine. This resolution was overwhelmingly rejected, the thirty-six affirmative votes coming from the slave States.



James Gates Percival.



Lyman Copeland Draper.

From paintings in possession of the Wisconsin Historical Society.

The Whig convention met at Philadelphia on June 7th, with every State represented except Texas. General Zachary Taylor, of Louisiana, received the nomination for president, upon the fourth ballot. General Taylor had obtained favor with the country as a "no-party man"; consequently, on the first ballot he was supported by representatives from all parts of the country, only eight States in the Union failing to accord him votes. New England, however, was committed to Webster and Clay. On the final ballot, Taylor's vote came from every State in the Union. No committee on resolutions was appointed, and the convention set forth no platform. The Whigs of the country at large were not satisfied to have the convention place them in such a non-committal position, and General Taylor was induced to give assurances that he sympathized with the purposes of the Whig party. This secured him the support of prominent Whig leaders.

The State of New York had sent to the Democratic Convention two delegations. One calling itself the "Barnburners" was under the leadership of John Dix, Samuel J. Tilden, and John Van Buren. The other, the "Hunkers" were under Marcy and Dickinson. The "Barnburners" withdrew from the convention, but were not disposed quietly to submit to its proceedings. They held a State convention at Utica, New York, on June 22d and 23d, in which delegates from Massachusetts, Connecticut, Ohio, and Wisconsin participated, and put in nomination for president Martin Van Buren, with Henry Dodge, of Wisconsin, for vice-president. Van Buren gave a reluctant acceptance, but Dodge declined, and supported General Cass. Still another convention was called in Ohio of persons dissatisfied with the selections of the other nominating conventions. It was convened by the Ohio State Convention, and met at Buffalo, August 9th. Charles Francis Adams, of Massachusetts, presided, representatives of seventeen States were present, and the membership of the convention numbered about two hundred. Martin Van Buren received the

endorsement of the convention for president, and Charles Francis Adams, of Massachusetts, was tendered the vice-presidential nomination by acclamation. This convention denounced the Baltimore convention for "stifling the voice of a great constituency," and the Philadelphia convention for "abandoning its distinctive principles for mere availability." It declared that "Slavery in the several States of this Union which recognized its existence depends upon State laws alone, which cannot be repealed or modified by the Federal government, and for which laws that government is not responsible. We therefore propose no interference with slavery by Congress within the limits of any State." Upon the question of slavery in the Territories, it asserted that "the true and in the judgment of this convention the only safe means of preventing the extension of slavery into territory now free is to prohibit its existence in all such territory by an act of Congress. . . . We accept the issue which the slave power has forced upon us, and to their demand for more slave States and more slave territory, our calm, our final answer is, no more slave States and no more slave territory." After demanding the admission of Oregon, California, and New Mexico as free States, and declaring that "there must be no more compromises with slavery; if made, they must be repealed," the platform concluded "We inscribe on our banners, 'Free Soil, Free Speech, Free Labor and Free Men,' and under it we will fight on, and fight ever, until a triumphant victory shall reward our exertions."

The admission of four new States, Florida, Texas, Iowa, and Wisconsin, since the preceding presidential campaign had raised the number of States in the Union to thirty and had increased the electoral vote to two hundred and ninety. For the first time in the history of the Federal government all the presidential electors were to be chosen on the same day, in accordance with an act of Congress, passed in 1845, which provided that "The electors of president and vice-president shall be appointed in each State on the Tuesday

next after the first Monday in the month of November in the year in which they are to be appointed."

The campaign was a spirited one. The Whig leaders, however, were slow in giving their support to the war veteran. Clay was now in his seventieth year, and was preparing to lay aside the ambitions and the earnest endeavors of a long political career. And yet Clay could not refrain from taking part in the contest. Besought by Whig delegations to address the people on the topics of the day, he made a speech that became the keynote for the Whig opposition in the Congress which was soon to assemble. The theme of his speech was the unnatural war with Mexico. He referred to his Raleigh letter of 1844 in which he had prophesied that in the case of Texas "annexation and war were identical." He recited the events which had transpired from the time he made that expression, and summarized his propositions in the form of a series of resolutions which he proposed to his Lexington audience for adoption. Action was taken unanimously. These resolutions traversed familiar ground. They set forth that the Mexican war had been brought about by deceit and unrighteousness, although its prosecution was a national duty; that Congress had failed to specify any objects which it sought to gain by the war, and that this omission should be remedied; that, if the administration entertained designs for the wholesale subjugation and incorporation of Mexico, these designs should be vigorously opposed, and that the United States ought to manifest the virtues of moderation and magnanimity. Finally, he declared that the country ought to disclaim all "wish or desire to acquire any foreign territory whatever, for the purpose of propagating slavery, or of introducing slaves from the United States." Yet Clay was a slaveholder himself, and he had not placed himself squarely upon the radical platform of the Wilmot Proviso.

The course of events had settled all these questions for good or ill, and Clay, after the nomination of Taylor, had placed before him the alternative of giving his support to

the man who had been instrumental in giving shape to policies which he strongly disapproved. Clay was chagrined that the choice of the Whigs had fallen upon a man whom he opposed, and felt that his old power had deserted him. In response to solicitations to declare himself with regard to Taylor's candidacy, he replied to his friends' inquiries: "I have been much importuned from various quarters to indorse General Taylor as a good Whig, who will, if elected, act on Whig principles and carry out Whig measures. But how can I do that? Can I say that in his hands Whig measures will be safe and secure, when he refuses to pledge himself to their support? When some of his most active friends say they are obsolete? When he is presented as a no-party candidate? When the Whig Convention at Philadelphia refused to recognize or proclaim its attachment to any principles or measures, and actually laid on the table resolutions having that object in view?" His personal feelings in the matter were also given expression: "Ought I to come out as a warm and partisan supporter of a candidate who, in a reversal of our conditions, announced his purpose to remain a candidate, and consequently to oppose me, so far as it depended upon himself? Tell me, what reciprocity is this? Magnanimity is a noble virtue, and I have always endeavored to practise it; but it has its limits, and the line of demarkation between it and meanness is not always discernible."

In spite of the active campaign of the Democrats with slavery extension as their argument, and in spite of the battle cry of the supporters of Van Buren and Adams, "free soil, free speech, free labor, and free men!", Zachary Taylor was elected President of the United States.

The new president was inaugurated on Monday, March 5, 1849. His inaugural was brief, and did not declare a policy. The character of his address appears in the following citation: "It shall be my study to recommend such constitutional measures to Congress as may be necessary and proper to secure encouragement and protection to the

great interests of agriculture, commerce, and manufacture, to improve our rivers and harbors, to provide for the speedy extinguishment of the public debt, to enforce a strict accountability on the part of all officers of the government, and the utmost economy in all public expenditures. But it is for the wisdom of Congress itself, in which all legislative powers are vested by the Constitution, to regulate these and other matters of domestic policy. I shall look with confidence to the enlightened patriotism of that body to adopt such measures of conciliation as may harmonize conflicting interests and tend to perpetuate that Union, which should be the paramount object of our hopes and affections. In any action calculated to promote an object so near the heart of every one who truly loves his country, I will zealously unite with the coördinate branches of the government."

The members of his Cabinet with their portfolios were as follows: John M. Clayton, of Delaware, secretary of state; William M. Meredith, of Pennsylvania, secretary of the treasury; William W. Preston, of South Carolina, secretary of the navy; George W. Crawford, of Georgia, secretary of war; Thomas Ewing, of Ohio, secretary of the interior; Jacob Collamer, of Vermont, postmaster-general; and Reverdy Johnson, of Maryland, attorney-general. Taylor was a man of "strong sagacity and a facility to grasp through all films of controversy the essential thing to be achieved. Not incisive in speech like Jackson, this old soldier was found frank and affable,—one who bore himself with modest sincerity in his new and strange position, who was sensible and practical, not disposed to conceal the strong feelings he entertained over grievances he had borne from others, yet in his general mood and bearing benignant." Clay hid his displeasure with the new president behind the imperturbable demeanor and captivating grace which was his peculiar charm, but Webster openly courted Taylor's favor. The president, conscious of his inexperience in his new office, naturally sought counsel, but he avoided the men of the

old school and turned to such persons as young Senator Seward, of New York. The Whigs of the Empire State were brought into working harmony with the new administration. But to cement that harmony, Thurlow Weed, a common friend, had invited Fillmore and Seward, the rival leaders, to dine with him at Albany when on their way to Washington. Weed relates that "Here everything was pleasantly arranged. The vice-president and the senator were to consult from time to time, as should become necessary, and agree upon the important appointments to be made in our State." Fillmore was the first to profit by the policy of amity, and received the custom house patronage of New York. Seward became the trusted adviser of the administration. Another prominent counsellor of the president was his friend Crittenden, from Kentucky. Abbott Lawrence, of Massachusetts, who would have been admitted to like intimacy, had received the appointment of minister to England. William C. Rives was sent to the court of France.

But events of vaster moment than the turning out of office of one man and another were transpiring at this time. Before the close of Congress, Calhoun had gathered in convention the Southern members of Congress and had them endorse and issue an address of his framing. The declaration set forth the difficulties encountered by the Southern States in recovering fugitive slaves, protested vigorously against the anti-slavery agitation of the abolitionists, and demanded for the slaveowner the right to emigrate with his slaves into the Territories. It also arraigned the House for its action in regard to New Mexico and California. Although more than eighty members attended this convention, which assembled on June 3, 1850, only about forty signed the declaration; but it was published throughout the South with great satisfaction, and was regarded by its authors as a second Declaration of Independence. In the original draft the introductory clause was, in part, as follows: "Not excepting the declaration which separated you and the United Colonies from the parent country.

That involved your independence; but this your all, not excepting your safety." In its modified form the opening clause, with its context, was as follows: "We, whose names are hereunto annexed, address you in the discharge of what we believe to be a solemn duty on the most important subject ever presented for your consideration. We allude to the conflict between the two great sections of the Union, growing out of a difference of feeling and opinion in reference to the relation existing between the two races, the European and African, which inhabit the Southern section, and the acts of aggression and encroachment to which it has led. The conflict commenced not long after the acknowledgment of our Independence, and has gradually increased until it has arrayed the great body of the North against the South on this most vital subject. In the progress of this conflict, aggression has followed aggression, and encroachment encroachment, until they have reached a point when a regard for peace and safety will not permit us to remain longer silent. The object of this address is to give you a clear, correct, but brief account of the whole series of aggressions and encroachments on your rights, with a statement of the dangers to which they expose you. Our object in making it is not to cause excitement, but to put you in full possession of all facts and circumstances necessary to a full and just conception of a deep-seated disease, which threatens great danger to you and the whole body politic. We act on the impression, that in a popular government like ours, a true conception of the actual character and state of a disease is indispensable to effecting a cure." The list of grievances which have been summarized followed the motive clause, and the document closed with a picture of the condition in the South unless the demands of the declaration were obtained. Emancipation of the slaves was pictured as the worst possible expedient that the government could adopt.

But of even greater moment were the resolutions adopted by the Virginia legislature in the same year. They set forth

that the adoption and the attempted enforcement of the Wilmot Proviso would leave the people of Virginia only the alternatives of submission "to aggression and outrage" or "of determined resistance at all hazards and to the last extremity." The status of slavery in the District of Columbia was also considered by the legislature, and a resolution was passed to the effect that the abolition of the slave trade in that territory of the government would be a direct attack upon the institution peculiar to the Southern States. Many public meetings throughout the South approved the Virginia resolutions, as did several Democratic legislatures. In Missouri, the legislature passed resolutions against the principle of the Wilmot Proviso and gave instructions to the Missouri senators and representatives to act in coöperation with the members from the slaveholding States. Senator Benton, who was opposed to the extension of slavery, felt that he was singled out by these resolutions for attack; and when the Senate adjourned, he repaired to Missouri, where he waged a vigorous warfare with the slavery extensionists. He addressed a number of public meetings in vindication of his course and reprobating Calhoun and his associates.

In Tennessee the Democratic State Central Committee had issued an address to the voters in which occurred these words: "The encroachments of our Northern brethren have reached a point where forbearance on our part ceases to be a virtue." Kentucky also was determined upon the retention of slavery. Henry Clay having written a letter designed to influence the Constitutional Convention which was about to assemble, in which he indorsed the plan gradually to emancipate the slaves of Kentucky, was called upon by a mass meeting in Trimble County to resign his place as senator. Throughout the State the liberation of the slaves was made an issue and furnished a text for political declamation in every county. When the convention met and formulated its views upon the subject, it not only failed to adopt a plan of gradual emancipation,

but embodied in the new constitution in vigorous terms a declaration favoring the right of property in slaves and their increase.

Such was the feeling in the border States, but in the cotton States sentiment was even more intense. A Southern Confederacy was no unusual toast at political festive gatherings. Whigs and Democrats alike were outspoken in favor of slavery extension, and community of interest rapidly broke down political barriers and welded the people into a homogeneous slave party. The Northern Whigs were slow to accept the fact that they were being deserted by their Southern party associates. They were also slow to realize that the two sections of the party could not meet on common ground. The Northern view was expressed by the New York *Tribune*, which maintained that "the Southern Whigs want the great question settled in such a manner as shall not humble and exasperate the South; Southern 'Loco-focos' [Democrats] want it so settled as to conduce to the extension of the power and influence of slavery." While the legislatures of the Southern States were expressing emphatic sentiments with regard to the rights of the South in the institution of slavery, the legislatures of the North were fighting slavery in the Territories. Many States also instructed their senators and representatives to work for the abolishment of the slave trade in the District of Columbia. In this action party lines were obliterated, the question was becoming distinctly sectional, but the Northern Whigs were more pronounced in their anti-slavery sentiments than the regular Democrats. The attitude of the Whigs of New York State was declared by Greeley to be "the restriction of slavery within its present limits as one of the cardinal principles of our political faith." The Free-soilers, however, demanded that the general government should forbid slavery wherever it had the power. Charles Sumner, a brilliant leader of the Massachusetts Free-soilers, wrote the address adopted by the convention at Worcester, Massachusetts, which proclaimed "opposition to slavery wherever we are responsible

for it," and specified the new Territories and the District of Columbia.

In the meanwhile, the position of President Taylor upon the question was watched with great interest by both sides, and it was seen that he was inclined to favor the anti-slavery attitude. The South was bitter in her complaint that the majority of the president's Cabinet favored the Wilmot Proviso and the president's speech at Mercer, Pennsylvania, in August, 1849, strengthened the impression of the Southern people with regard to the president's views. He said: "The people of the North need have no apprehension of the further extension of slavery, the necessity of a third party organization on this score would soon be obviated."

The State elections of this year were on the whole not so favorable to the Whigs as in the presidential election. The Van Buren and Cass Democrats had generally united on the State tickets, although the difference on the anti-slavery question was manifested by the fact that some State platforms ignored the question of slavery, while other States promulgated anti-slavery platforms.

Developments in California were reconciling the opposing sections with regard to that Territory. Shortly after his inauguration, President Taylor sent T. Butler King, Whig Congressman from Georgia, as his special agent to California to guide the sentiment of the people in the formation of a State government. It was then under a semi-military government. The discovery of gold had speedily and vastly enhanced the national appreciation of California. The first immigrants attracted thither by the newly discovered gold fields were drawn from Mexico, Peru, Chili, China, and the Hawaiian Islands. But, as the American population augmented these heterogeneous elements, the national genius for organization was manifested by the American pioneers. When a convention met at Monterey on the 3d of September, 1849, with the object of forming a State, it included men of finance, of the various professions, merchants, mechanics, farmers, and gold seekers. A varied company, but

of respectable intellectual character. The constitution was largely modelled after those of New York and Iowa. No objection was offered by the convention to the clause in the bill of rights which forever prohibited slavery in the State. Bancroft gives the following explanation of this seemingly strange circumstance: "At first sight this unanimity may seem strange, as where labor was scarce and high and gold plenty it might seem desirable to have slaves. But I think the gist of the whole matter is contained in the following statement of a voting citizen: 'One of the prominent questions in the election was an expression as to whether slavery shall be allowed in California; the candidate, though a Louisianian, was opposed out and out to the introduction of slavery here, and so we all voted for him. For myself, I was of the opinion of an old mountaineer, who, leaning against the tent-pole, harangued the crowd, that in a country where every white man made a slave of himself there was no use in keeping niggers.' "

When Congress met on December 3, 1849, it was evident that there was a most marked increase in sectional feeling, and that legislation would be hampered and delayed by the augmented discord between North and South. Robert C. Winthrop, who had been Speaker of the last House, was renominated. But Winthrop was not destined to meet the problems of the position in the new Congress, as Howell Cobb, of Georgia, the nominee of the Democrats, was elected to the position. But his victory was not achieved until the House had wasted two weeks of the session in balloting. The new Speaker was distinguished particularly by his devotion to the interests and institutions of the South, a fact which found illustration in his appointment of committees. The New York *Tribune* of January 23, 1850, commented upon the composition of the committees as follows: "Although the Whigs and Free-soilers are a majority, yet only one from their number is a chairman of any one of the thirty-seven committees, of the other thirty-six chairmen, nineteen are Locos from the slave States, and

seventeen Locos from the free States. Texas, Alabama, and South Carolina afford five chairmen; the three millions of New York only one."

As soon as the House was organized, the president sent his message to Congress. He said that advices from California had given him reason to believe that that Territory had adopted a State constitution and would soon apply for admission to the Union. In regard to New Mexico he counselled Congress to abide by the determination of the people themselves, and not to seek to facilitate the establishment of a State government. He closed his message with the following expression upon the perpetuity of the Union: "But attachment to the Union of the states should be habitually fostered in every American heart. For more than half a century, during which kingdoms and empires have fallen, this Union has stood unshaken. The patriots who formed it have long since descended to the grave; yet still it remains, the proudest monument to their memory, and the object of affection and admiration with every one worthy to bear the American name. In my judgment, its dissolution would be the greatest of calamities; and to avert that should be the study of every American. Upon its preservation must depend our own happiness and that of countless generations to come. Whatever dangers may threaten it, I shall stand by it and maintain it in its integrity to the full extent of the obligations imposed and the power conferred upon me by the Constitution."

The proposition of President Taylor with regard to California and New Mexico, had the effect of postponing Congressional action with regard to the extension of the Wilmot Proviso, and so of preventing debate in relation to the balancing of slave and free territory. The cardinal idea of Taylor's proposition, to keep the admission of California in the foreground of national interest as the pressing object of legislation, while passing over issues which were controversial, was acceptable to Northern men. But, on the other hand, the Southern members were not satisfied with a literal

concession such as the plan of the president offered them because they saw in it a method by which the Territories through incorporating into their constitutions a free clause would be constituted free States. In a later characterization of the plan Webster likened it to simple King Lear's proposal to steal up behind his adversaries by shoeing his horses with felt. The South would have displayed wisdom by accepting the plan of the president, which preserved the vital principle for which that section contended, while at the same time it avoided subjects irritating and controversial. But the South generally was in the frame of mind of one member who gave vent to his feelings in the declaration: "My Southern blood and feelings are up and I feel as if I am prepared to fight at all hazards and to the last extremity." The House, deprived of a strong leader by the death of Adams, discussed and argued and debated, but arrived at no worthy conclusions, and the scene of the contest shifted to the Senate. There, Fillmore presided over the debates. The personnel of the Senate included Sam Houston, of Texas, Seward and Samuel P. Chase, of Ohio. Seward was the close friend of the administration, while Chase was the idealist of the Democratic party, having little faith in the Whigs, he hoped to see the Democrats arrayed in opposition to slavery expansion. In a word, Chase was a Free-soiler of Democratic antecedents and training. But towering above these men stood Webster, Calhoun, and Clay. Clay had been constrained by the Kentucky legislature to return to the Senate in spite of the fact that he was now an invalid. Calhoun also was in desperate health and close to death's door. The first had as his great wish the uniting of the country in the ties of patriotism; the latter was yet the inexorable advocate of his section. Clay had no other intention than to remain a passive looker-on, but he could not abstain from responding to the demands made upon him for guidance. As he had led the Whig opposition to Tyler, now, inspired by very different motives, he became the leader of a division of that party, which placed itself in

opposition to President Taylor's policy. Instead of single legislation for California, he conceived the idea of the inclusion of the many disputed matters in an omnibus bill. Ever a compromiser, he sought by this plan so to set concession against concession as to quell opposition on either side of the Senate.

It was the 21st of January, 1850, when the president's plan was fully stated in an executive message, and on the 29th of the same month, Clay offered what was in effect a substitute plan. In so doing he was closely paralleling his action toward the financial proposals of President Tyler. The object of his plan was stated to be to secure "the peace, concord, and harmony of the Union." Its provisions were:

First, The admission of California with her free Constitution.

Secondly, As slavery does not exist by law and is not likely to be introduced into any of the territory acquired from Mexico, Territorial governments should be established by Congress without any restriction as to slavery.

Thirdly, The boundary between Texas and New Mexico, which was in dispute, was determined.

Fourthly, Directs the payment of the *bona fide* public debt of Texas contracted prior to the annexation, for which the duties on foreign imports were pledged, upon the condition that Texas relinquish her claim to any part of New Mexico.

Fifthly, Declares that it is inexpedient to abolish slavery in the District of Columbia without the consent of Maryland, of the people of the district, and without just compensation to the owners of slaves.

Sixthly, Declares for the prohibition of the slave trade in the District of Columbia.

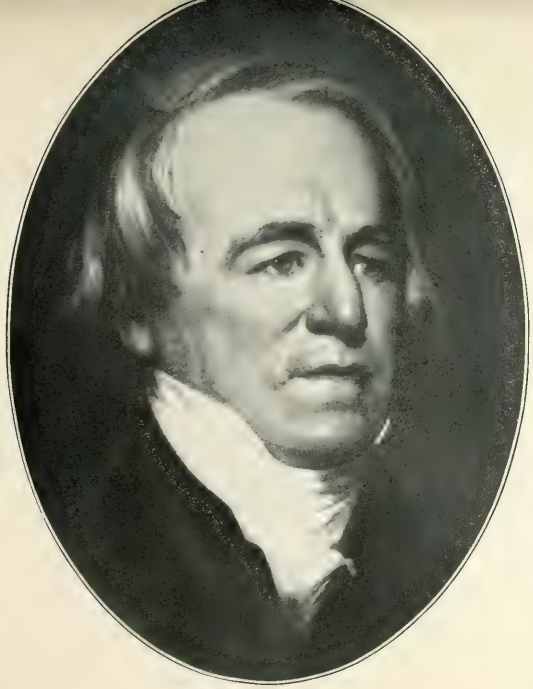
Seventhly, More effectual provision should be made for the rendition of fugitive slaves.

Eighthly, Declares that Congress has no power to interfere with the slave trade between the States.

Several days after the introduction of these resolutions, Clay spoke upon them in the Senate. At the time he was so weak that he could hardly mount the steps of the Capitol without pausing to rest. The floor of the Senate and the galleries were thronged, a brilliant audience representing the grace and beauty, as well as the intelligence, of the capital, waited expectantly to hear the aged statesman. As the correspondent of one of the New York papers wrote, Mr. Clay's unrivalled popularity had secured him "an audience such as no other statesman, no matter however able and respected, has ever before obtained here. To get within hearing of his voice I found to be impossible." When Clay arose he was greeted with an outburst of applause which has had few parallels in the history of Senate debates. By the supreme effort of a strong will the speaker conquered the infirmities of his body, throwing off for the time the evidences of age and debility, casting himself loose upon the sea of thought, of sentiment and of feeling, he was upborne upon the billows of his own creation, while his auditors trembled in apprehension of his collapse.

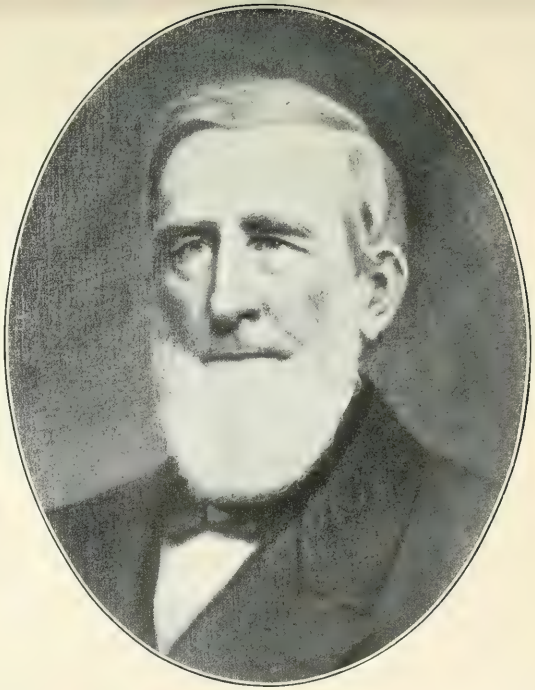
For two days he held the floor in a tremendous appeal to the North for concession and to the South for peace. He sought to bring the members from the North to see that the enactment of the Wilmot Proviso would be an unnecessary provocation to the South, since there was no slavery existing in the Territories acquired from Mexico and there was little likelihood of its extension to them. He described the ominous unrest in the country in these words: "At this moment we have in the legislative bodies of this Capitol and in the States twenty odd furnaces in full blast, emitting heat and passion and intemperance and diffusing them throughout the extent of this broad land." He declared his purpose to be to "form such a scheme of accommodation" as would obviate "the sacrifice of any great principle" by either section of the country. He declared that concession by each side was necessary, the concession "not of principle, but of feeling, of opinion in relations to matters in

controversy between them." In his appeal to the North he exclaimed: "What do you want, who reside in the free States? You want that there shall be no slavery introduced into the territories acquired from Mexico. Well, have you not got it in California already, if admitted as a State? Have you not got it in New Mexico, in all human probability, also? What more do you want? You have got what is worth a thousand Wilmot Provisos. You have got nature itself on your side. You have the fact itself on your side." He declared, however, that it was necessary to give New Mexico a Territorial government and not to let matters run on irregularly. He reminded his hearers of the fact that in the previous September the people of New Mexico had held a convention, had chosen a delegate to Congress and had instructed him to inform that body that their actual government was "temporary, doubtful, uncertain, and inefficient in character and operation," and that they were "surrounded and despoiled by barbarous foes, and ruin appears inevitably before us, unless speedy and effectual protection be extended to us by the United States." On the subject of the rendition of fugitive slaves Clay took strongly Southern ground, although up to that point he had endeavored to have the scales of compromise evenly balanced. On this point he declared: "Upon this subject I do not think that we have just and serious cause of complaint against the free States. . . . It is our duty to make the law more effective; and I shall go with the senator from the South who goes furthest in making penal laws and imposing the heaviest sanctions for the recovery of fugitive slaves and the restoration of them to their owners." Clay added some general considerations. Said he: "There have been, unhappily, mutual causes of agitation furnished by one class of the States as well as by the other, though, I admit, not in the same degree by the slave States as by the free States." He made an appeal to both sides to do something to allay the unrest of the nation and pictured in glowing language the prosperity and resources of the country and attributed



Nathaniel Chapman.

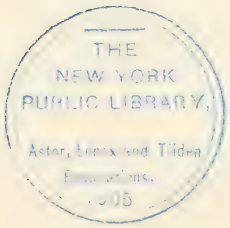
From the painting by Thomas Sully.



Franklin Bache.

From the painting by Samuel B. Waugh.

Both of which are in possession of the American Philosophical Society, Philadelphia.


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DANIEL WEBSTER

From the painting by Chester Harding, in possession of the Massachusetts Historical Society.

CHAPTER VIII

THE GREAT DEBATES

The climax of the debate on the Compromise of 1850 was reached early in March, when three remarkable addresses were delivered, differing in point of view and expression, each setting forth certain phases of public opinion. The speakers were Calhoun, Webster, and Seward. The speech of the first, delivered by Senator Mason, was, in a sense, his valedictory to the Senate, his last pregnant utterance upon the theme which had been the passion of his life.

The speech was delivered on the 4th of March and was interesting mainly because of its statement with carefulness and precision of the numerical preponderance of the North and the reasons for Southern discontent. He declared that the ordinance of 1787 and the Missouri Compromise had excluded the South from territory that should have been left "open to the emigration of masters with their slaves." He declaimed against the tariff and the system of internal improvements as militating against the interests of his section, and inveighed against the steady assumption of increased powers by the Federal government at the expense of the rights of the States. He declared that the dissimilar interests of the North and South were swinging them out of a common orbit, and pointed to the split in the Methodist Episcopal Church, the Baptist Church, and to the impending separation in the Presbyterian Church as portentous

signs of national dissolution. He added that the salvation of the Union rested with the North and that the method was by according to the South equal rights in the acquired territory; satisfaction in the matter of fugitive slaves; the cessation of abolition agitation; and consent to an amendment to the Constitution "which will restore to the South, in substance, the power she possessed of protecting herself before the equilibrium between the two sections was destroyed by the action of this government." He further said that the test of the attitude of the North toward the South would be furnished by its action in the case of California. He declared that its admittance with a free-clause constitution would be construed as notice served upon the South that the opposing section had a fixed determination irretrievably to destroy the equilibrium between the two sections.

The nature of the constitutional amendment which Calhoun proposed should be adopted in the interests of the South appears in a posthumous essay. It was to provide for the election of two presidents, one for the North and the other for the South; both of whom were to have the power of veto upon legislation. The effect of the system of compromise upon the subject of slavery distribution is seen in this curious proposition of checks and balances upon the national executive. The constitutional amendment suggestion was not regarded with favor in the South, but Calhoun's personal leadership insured him a following of some fifty members of Congress.

Two of the great triumvirate had now spoken. There was a third to be heard. Daniel Webster rose to deliver his "Seventh of March Speech." Webster had maintained a haughty reserve throughout the winter. Unplacated and unapproachable, he declined all attempts of persons to give him advice. Now that he was to express himself upon the great theme, he gathered all the forces of his mighty nature together, marshalled the resources of his intellect, called to his aid the keenness of satire, the power of pathos, the

sublimity of figures of speech and set forth in a ponderous speech that carried his auditors by its very force, the theme as he had framed his convictions upon it. There was no one more versed in the history and structure of the national government than Webster. The man, who had during his public career written the nation's history into the annals of his own life, could command the attention not only of those who were his auditors upon this occasion, but the attention of the country and of the world. Edward Everett well said of him: "Whosoever in after times shall write the history of the United States for the last forty years will write the life of Daniel Webster." His profound legal sagacity might well evoke from Seward the tribute "Whatever else concerning him has been controverted by anybody, the fifty thousand lawyers of the United States conceded to him an unapproachable supremacy at the bar."

He had given to his speech the title "For the Union and the Constitution." He knew that he was going to offend the conscience party in his own State, but he consoled himself for the loss of home allegiance with the declaration that, henceforth an American, he should have no locality but America. The speech was in effect an approval of Clay's resolutions without an acknowledgment of Clay, and at the same time compliment almost to the point of adulation was bestowed upon Calhoun and his Southern associates. Clay might speak for the sentiment of compromise, Calhoun might be the exponent of the Southern conscience, but it remained for Webster to announce the limits of concessions to be expected from Northern-born Whigs, who, like himself, were swayed by strong anti-slavery convictions. Clay called for compromise and conciliation, but Clay could pledge the South nothing of that which Webster, with an ampleness that astounded his hearers, laid at her feet. Concessions indeed! Rather were they the elements of a complete capitulation. Webster appealed to the South to behold the brotherly love of the North. He called to the South to

"come out into the light of day and enjoy the fresh air of liberty and union." He began his speech as follows: "I wish to speak to-day, not as a Massachusetts man, nor as a Northern man, but as an American, and a member of the Senate of the United States. It is fortunate that there is a Senate of the United States; a body not yet moved from its propriety, not lost to a just sense of its own dignity and its own high responsibilities, and a body to which the country looks with confidence for wise, moderate, patriotic, and healing counsels. It is not to be denied that we live in the midst of strong agitations, and are surrounded by very considerable dangers to our institutions of government. The imprisoned winds are let loose. The East, the West, the North, and the stormy South, all combine to throw the whole ocean into commotion, to toss its billows to the skies, and to disclose its profoundest depths. I do not affect to regard myself, Mr. President, as holding, or as fit to hold, the helm in this combat of the political elements; but I have a duty to perform, and I mean to perform it with fidelity—not without a sense of surrounding dangers, but not without hope. I have a part to act, not for my own security or safety, for I am looking out for no fragment upon which to float away from the wreck, if wreck there must be, but for the good of the whole, and the preservation of the whole; and there is that which will keep me to my duty during this struggle, whether the sun and the stars shall appear, or shall not appear, for many days. I speak to-day for the preservation of the Union. 'Hear me for my cause.' I speak to-day, out of a solicitous and anxious heart, for the restoration to the country of that quiet and that harmony which make the blessings of this Union so rich and so dear to us all. These are the topics that I propose to myself to discuss; these are the motives, and the sole motives, that influence me in the wish to communicate my opinions to the Senate and the country; and if I can do anything, however little, for the promotion of these ends, I shall have accomplished all that I desire."

When the speaker came to the subject of peaceable secession, which had been broached by Calhoun, he said: "I should much prefer to have heard from every member on this floor declarations of opinion that this Union should never be dissolved, than the declarations of opinion, that, in any case, under the pressure of any circumstances, such a dissolution was possible. I hear with pain, and anguish, and distress, the word 'secession,' especially when it falls from the lips of those who are eminently patriotic, and known to the country, and known all over the world, for their political services. Secession! Peaceable secession! Sir, your eyes and mine are never destined to see that miracle. The dismemberment of this vast country without convulsion! The breaking up of the fountains of the great deep without ruffling the surface! Who is so foolish—I beg everybody's pardon—as to expect to see any such thing? Sir, he who sees these States now revolving in harmony around a common centre, expecting to see them quit their places, and fly off, without convulsion, may look, the next hour, to see the heavenly bodies rush from their spheres, and jostle against each other in the realms of space, without producing the crash of the universe. There can be no such thing as a peaceable secession. Peaceable secession is an utter impossibility. Is the great Constitution under which we live here, covering this whole country—is it to be thawed and melted away by secession, as the snows on the mountain melt under the influence of a vernal sun—disappear unobserved, and die off? No, sir! No, sir! I will not state what might produce the disruption of the States; but, sir, I see it as plainly as I see the sun in heaven—I see that disruption must produce such a war as I will not describe in its twofold character!

"Peaceable secession! peaceable secession! The concurrent agreement of all the members of this great republic to separate! . . . Why, what would be the result? Where is the line to be drawn? What States are to secede? What is to remain American? What am I to be? An

American no longer? Where is the flag of the republic to remain? Where is the eagle still to tower? or is he to cower, and shriek, and fall to the ground? Why, sir, our ancestors—our fathers and our grandfathers, those of them that are yet living amongst us with prolonged lives—would rebuke and reproach us; and our children and our grandchildren would cry out shame upon us if we of this generation should dishonor these ensigns of the power of the government and the harmony of the Union which is every day felt among us with so much joy and gratitude. What is to become of the army? What is to become of the navy? What is to become of the public lands? How is each of the thirty States to defend itself? I know, although the idea has not been stated distinctly. There is to be a Southern Confederacy. I do not mean, when I allude to this statement, that anyone seriously contemplates such a state of things. I do not mean to say that it is true, but I have heard it suggested elsewhere, that that idea has originated in a design to separate. I am sorry, sir, that it has ever been thought of, talked of, or dreamed of, in the wildest flights of human imagination. But the idea must be of a separation including the slave States upon one side and the free States on the other. Sir, there is not—I may express myself too strongly, perhaps, but some things, some moral things, are almost as impossible as other natural or physical things; and I hold the idea of the separation of these States, these that are free to form one government, and those that are slaveholding to form another, as a moral impossibility. We could not separate the States by any such line, if we were to draw it. We could not sit down here to-day and draw a line of separation that would satisfy any five men in the country. There are natural causes that would keep and tie us together; and there are social and domestic relations which we could not break if we would, and which we should not if we could. Sir, nobody can look over the face of this country at the present moment—nobody can see where its population is the most dense and growing—without

being ready to admit, and compelled to admit, that ere long America will be in the Valley of the Mississippi."

In his peroration Mr. Webster made a strong appeal for the preservation of the Union: "And now," he said, "instead of speaking of the possibility or utility of secession, instead of dwelling in these caverns of darkness, instead of groping with those ideas so full of all that is horrid and horrible, let us come out into the light of day; let us enjoy the fresh airs of Liberty and Union; let us cherish those hopes which belong to us; let us devote ourselves to those great objects that are fit for our consideration and our action; let us raise our conceptions to the magnitude and the importance of the duties that devolve upon us; let our comprehension be as broad as the country for which we act, our aspirations as high as its certain destiny; let us not be pygmies in a case that calls for men. Never did there devolve on any generation of men higher trusts than now devolve upon us for the preservation of this Constitution, and the harmony and peace of all who are destined to live under it. Let us make our generation one of the strongest and the brightest links in that golden chain which is destined, I fondly believe, to grapple the people of all the States to this Constitution for ages to come. It is a great popular constitutional government, guarded by legislation, by law, by judicature, and defended by the whole affections of the people. No monarchical throne presses these States together; no iron chain of despotic power encircles them; they live and stand upon a government popular in its form, representative in its character, founded upon principles of equality, and calculated, we hope, to last forever. In all its history it has been beneficent; it has trodden down no man's liberty; it has crushed no State. Its daily respiration is liberty and patriotism, its yet youthful veins are full of enterprise, courage, and honorable love of glory and renown. Large before, the country has now, by recent events, become vastly larger. This republic now extends, with a vast breadth, across the whole continent. The two great seas

of the world wash the one and the other shore. We realize, on a mighty scale, the beautiful description of the ornamental edging of the buckler of Achilles:

> "'Now the broad shield complete the artist crown'd
> With his last hand, and pour'd the ocean round;
> In living silver seem'd the waves to roll,
> And beat the buckler's verge, and bound the whole.'"

The speech produced a profound sensation in the Senate and a profound effect upon the nation at large. And yet it was lacking that note of strong conviction which rang through his reply to Hayne and to Calhoun. The North regarded it as a compromise upon a subject which did not admit of compromise. Although it is difficult at this day to determine all the causes of anger which the "Seventh of March Speech" aroused in the North, it is not difficult to understand that Webster but ill served the sentiment of the free States by not standing with greater firmness upon the principles of the conscience party. That party refusing to be carried away by the mere eloquence of the oration contended that its author showed a distinct decadence in moral tone. This speech was made by Webster at the cost of a distinct personal sacrifice. Old friends fell away and harsh and unjust criticism was made. Some thought that they discerned an ulterior motive in his ingratiating utterances and sneered at him for making another bid for the presidency. But great allowance must be made for the warmth of sectional feeling. The drift of sectional feeling was fast swinging out of their common orbit the free and the slave States.

Few spectacles in the history of the great forums of the world have been so majestic and overmastering, have had such a vast theatre of action behind and before, have called to their aid such scenic effects as the occasion of those three great speeches in the Senate of the United States. The "Seventh of March Speech" was not only the personal programme of Webster, but it was the programme of all

those who felt that a solution of the question was not pressing and that the period of development should be permitted to continue and to work out the problem in an orderly manner. Seward's views on this point were in harmony with those of the most radical Southerners. He said: "It will appear that the question of dissolving the Union is a complex question; that it embraces the fearful issue whether the Union shall stand, and slavery, under the steady, peaceful action of moral, social, and political causes, be removed by gradual, voluntary effort, and with compensation, or whether the Union shall be dissolved, and civil wars ensue, bringing on violent but complete and immediate emancipation. We are now arrived at that stage of our national progress when that crisis can be foreseen, when we must foresee it. It is directly before us. Its shadow is upon us. It darkens the legislative halls, the temples of worship, and the home and the hearth. Every question, political, civil, or ecclesiastical, however foreign to the subject of slavery, brings up slavery as an incident, and the incident supplants the principal question. We hear of nothing but slavery, and we can talk of nothing but slavery."

Clay's speech was not the cause, but it was the indication that an influential minority in the North was ready to take its stand beside Clay and his compromise. So far as the great body of the Whigs was concerned they had been practically converted into an anti-slavery party, largely through the efforts of Seward. He took his stand unalterably upon that side which he believed to be the side of national consistency, honor, and perpetuity. His words on this subject in a speech of the 11th of March could not fail of clear understanding. "I am opposed to any such compromise, in any and all the forms in which it has been proposed; because, while admitting the purity and the patriotism of all from whom it is my misfortune to differ, I think all legislative compromises, which are not absolutely necessary, radically wrong and essentially vicious. They

involve the surrender of the exercise of judgment and conscience on distinct and separate questions, at distinct and separate times, with the indispensable advantages it affords for ascertaining truth. They involve a relinquishment of the right to reconsider in future the decisions of the present, on questions prematurely anticipated. And they are acts of usurpation as to future questions of the province of future legislators. Sir, it seems to me as if slavery had laid its paralyzing hand upon myself, and the blood were coursing less freely than its wont through my veins, when I endeavor to suppose that such a compromise has been effected, and that my utterance forever is arrested upon all the great questions—social, moral, and political—arising out of a subject so important, and as yet so incomprehensible." Seward's utterance expressed the views of those who felt that it was useless to try any longer to stifle the issue, those who felt that, like all other legislative problems, the slavery question should be dealt with as the emergency arose. Thus was the Whig party divided between allegiance to Clay and to Seward.

Clay having proposed compromise, Calhoun having advocated the granting of Southern demands, Webster having stood forth as the apostle of conciliation, William Henry Seward made himself the advocate of "the higher law." His celebrated deliverance was in part: "It is insisted that the admission of California shall be attended by the compromise of questions which have arisen out of slavery. . . .

"Nor would success attend any of the details of the compromise. And, first, I advert to the proposed alteration of the law concerning fugitives from service or labor. . . .

"We deem the principle of the law for the recapture of fugitives . . . unjust, unconstitutional, and immoral; and thus, while patriotism withholds its approbation, the consciences of our people condemn it.

"You will say that these convictions of ours are disloyal. Grant it for the sake of argument. They are, nevertheless, honest; and the law is to be executed among us, not among

you; not by us, but by the Federal authority. Has any government ever succeeded in changing the moral convictions of its subjects by force? But these convictions imply no disloyalty. We reverence the Constitution, although we perceive this defect, just as we acknowledge the splendor and the power of the sun, although its surface is tarnished with here and there an opaque spot.

"Your Constitution and laws convert hospitality to the refugee from the most degrading oppression on earth into a crime, but all mankind except you esteem that hospitality a virtue. The right of extradition of a fugitive from justice is not admitted by the law of nature and of nations, but rests in voluntary compacts. . . .

"The law of nations disavows such compacts; the law of nature, written on the hearts and consciences of freemen, repudiates them. Armed power could not enforce them, because there is no public conscience to sustain them. I know that there are laws of various sorts which regulate the conduct of men. There are constitutions and statutes, codes mercantile and codes civil; but when we are legislating for States, especially when we are founding States, all these laws must be brought to the standard of the laws of God, and must be tried by that standard, and must stand or fall by it. . . .

"To conclude on this point: We are not slaveholders. We cannot, in our judgment, be either true Christians or real freemen if we impose on another a chain that we defy all human power to fasten on ourselves. You believe and think otherwise, and doubtless with equal sincerity. We judge you not, and He alone who ordained the conscience of man and its laws of action, can judge us. Do we, then, in this conflict, demand of you an unreasonable thing in asking that, since you will have property that can and will exercise human powers to effect its escape, you shall be your own police, and in acting among us as such, you shall conform to principles indispensable to the security of admitted rights of freemen? If you will

have this law executed, you must alleviate, not increase, its rigors. . . .

"But there is yet another aspect in which this principle must be examined. It regards the domain only as a possession, to be enjoyed, either in common or by partition, by the citizens of the old States. It is true, indeed, that the national domain is ours; it is true, it was acquired by the valor and with the wealth of the whole nation; but we hold, nevertheless, no arbitrary power over it. We hold no arbitrary authority over anything, whether acquired lawfully, or seized by usurpation. The Constitution regulates our stewardship; The Constitution devotes the domain to union, to justice, to defence, to welfare, and to liberty.

"But there is a higher law than the Constitution, which regulates our authority over the domain, and devotes it to the same noble purposes. The territory is a part—no inconsiderable part—of the common heritage of mankind, bestowed upon them by the Creator of the universe. We are his stewards, and must so discharge our trust as to secure, in the highest attainable degree, their happiness. . . .

"This is a State, and we are deliberating for it, just as our fathers deliberated in establishing the institutions we enjoy. Whatever superiority there is in our condition and hopes, over those of any other 'kingdom' or 'estate,' is due to the fortunate circumstances that our ancestors did not leave things to 'take their chance,' but that they 'added amplitude and greatness' to our commonwealth, 'by introducing such ordinances, constitutions, and customs, as were wise.' We, in our turn, have succeeded to the same responsibilities; and we cannot approach the duty before us, wisely and justly, except we raise ourselves to the great consideration of how we can most certainly 'sow greatness to our posterity and successors.'

"And now the simple, bold, and even awful question which presents itself to us, is this: Shall we, who are founding institutions for countless millions,—shall we, who know by experience the wise and the just, and are free to

choose them, and to reject the erroneous and unjust—shall we establish human bondage, or permit it, by our sufferance, to be established? Sir, our forefathers would not have hesitated an hour. They found slavery existing here, and they left it only because they could not remove it. There is not only no free State which would now establish it, but there is no slave State which, if it had had the free alternative, as we now have, would have founded slavery. . . ."

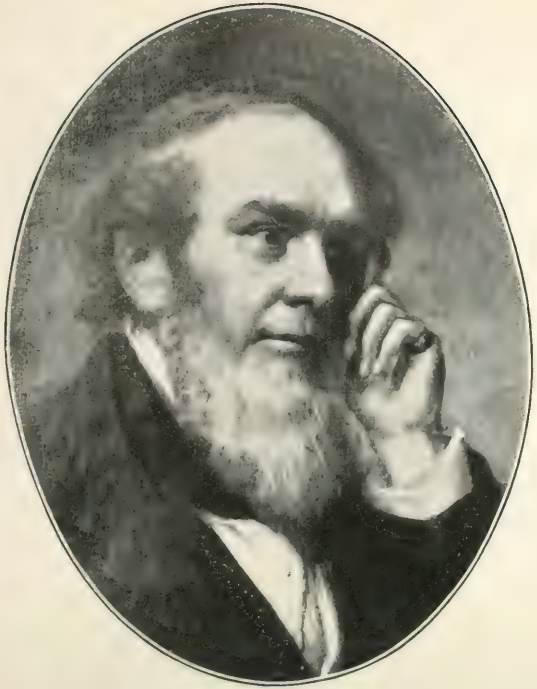
If Webster's speech had made those indignant who would hear of no fresh concessions from the North, Seward's speech had a similar effect upon the other side. Let us see what that speech signified. He called upon the legislators to assume that captaincy of the welfare of the people that the abolitionists had long taken to themselves. The great significance of this fact was its statement by a practical politician, a most influential leader of one of the great political parties. For such a man to take the position that the Constitution was but a means to an end and that there was a higher law, in which the statutes and constitutions of nations found their sanction, was regarded by persons who could not understand that point of appeal as the speech of a demagogue. Seward made no effort to belittle the Constitution. The Constitution, according to Seward, was not a thing to be set aside whenever it was found to be in the way of the accomplishment of ends desired by partisans. What he did affirm was that whenever the Constitution stood in the way of the higher consciousness of the people, it must not retard the working out of that eternal mandate of national integrity and political consistency, contradiction of which by any law reduces that law to a principle of anarchy. He emphasized this position in what he said with regard to the rendition of slaves, declaring that such acts violated public conscience and could not be sustained. Even in the North and in his own State, Seward brought himself under condemnation in quarters where radicalism in either direction was looked upon as the rabid spirit of national madness. Thus, in the *Democratic Review* for

May, 1850, he was characterized in the following terms of contemptuous disparagement: "This singular example of the inextricable caprices of fortune, we take to be one of the most dangerous of the more diminutive race of insects that ever buzzed about in a tainted political atmosphere; for he is held in such utter contempt by all honest men that no notice is taken of him until his sting is felt. He is barely qualified to play second fiddle in a concert of third-rate demagogues. . . . The mud had lately been stirred at the very bottom of the pool; and he who went down a mutilated tadpole, has come up a full-grown bullfrog. . . . Since then (his entry in the Senate), his only public exploit has been a speech, of which we shall say nothing, except that it would disgrace any man—but himself. The reader, we hope, will pardon us for thus turning aside a moment to do justice to a very small man—so small that his smallness is unspeakably inexpressible—and who, by no possibility, can ever become great in any other sense than that of being stupendously contemptible."

The greatest importance was attached to Seward's speech because he was looked upon as expressing the sentiments of the president. This supposition, however, was straining the facts, as, although Seward was the influence behind the administration, he did not at any time attempt to speak for the president in the Senate. His sense of propriety had led him to decline a place on any important committee because of his intimate relations with General Taylor. Indeed, the president's Washington organ assailed Seward for some of the sentiments that he had expressed, which led political gossips to conclude that a breach between him and the president had occurred.

Webster, Clay, Calhoun, Benton, all the great leaders of the Senate, had followed Seward attentively, but their sentiments were not influenced by his statements. Webster regarded the speech as worthy only of a sneer. Clay wrote that the speech had eradicated the respect of all men for Seward. The voice of the South was wholly condemnatory

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Alexander Dallas Bache.
From the painting by D. Huntingdon.



Joseph Henry.
From the painting by H. Uhlke.

Both of which are in possession of the American Philosophical Society, Philadelphia.

and so was, for the most part, the expression of the Northern Democrats. But Seward was upheld by an influential element in his own State, the New York *Tribune* declaring that the speech represented the true feelings of New York. Indeed, it represented the true sentiments of the great majority of the Whigs, and in later conventions these sentiments found expression in commendation of Seward by formal resolutions. The great weakness in Seward's political perception, as found in his speech, was his declaration that there would be no disunion and no secession.

The four great speeches formed but a part of a discussion in the Senate to which many members made contribution, but they are sufficiently characteristic to sum up the expressions of all other persons. A Southern Whig and a Northern Whig had pronounced in favor of compromise, a Southern Democrat and an anti-slavery Whig had set themselves against it. But the force of sectionalism had not yet centred the opinions of the free and of the slave States about their respective poles. Thus, Jefferson Davis dissented from Calhoun in some particulars. On the 13th and 14th of March he addressed the Senate upon the current question and declared that what he desired above all was non-intervention—"that is, an equal right to go into all territories,—all property being alike protected." If this could not be secured, said he, "I will agree to the drawing of the line thirty-six degrees thirty minutes through the territories acquired from Mexico, with the condition that in the same degree that slavery is prohibited north of that line it shall be permitted to enter south of that line; and that the States which may be admitted into the Union shall come in under such constitutions as they think proper to form." An altercation took place between Senators Benton and Foote, the former being regarded by the Southerners as a renegade, because, while a slaveholder himself, he was not in accord with the objects of the slave States.

Repeated passages between the two men during the course of debate culminated in a disgraceful episode which might

have had serious eventualities. On the 17th of April, Foote was addressing the chair upon his motion to refer Clay's resolutions to a select committee. Benton took occasion to remark that the Southern members of Congress were chargeable for the excitement which had been created in the country. Foote warmly defended the signers of the Southern address, declaring that they would be held in "veneration when their calumniators, no matter who they may be, will be objects of general loathing and contempt." The word calumniators stirred the blood of Benton, who, rising from his seat with a violent motion and his face ablaze with wrath, strode toward Foote. At his approach, Foote ran up to the secretary's table, looking back over his shoulder as if expecting a violent demonstration from Benton, and at the same time drawing his revolver, fully loaded, and cocking it. Benton was unarmed and Senator Dodge was clinging to him to draw him back to his place, at the same time urging him not to compromise himself or the Senate, Benton all the while pleading with him to desist his well-meant efforts. He was on the point of being pacified when he caught the glint of the revolver in the hands of Foote; dramatically opening his coat he exclaimed: "I am not armed; I have no pistols; I disdain to carry arms. Let him fire! Stand out of the way and let the assassin fire." The painful scene was brought to a close by the disarming of Foote and the retirement of the men to their places. A committee was appointed to investigate the matter and to suggest suitable action and, after nearly four months, it brought in a report covering the facts, but making no recommendation of action to the Senate. The committee stated, however, that it had searched the precedents and found that no similar scene had ever been witnessed in the Senate of the United States.

Calhoun had come into the Senate when Seward was to speak and sat glowering and muttering all the while the Northerner was delivering his address. Then, declaring to some of his friends that such a "higher life" individual

was not fit for the right sort of men to associate with, he left the Senate never to return. Having committed to Toombs the carrying out of his plans, he died on the last day of March, 1850.

Not one of the four leading speakers in the debate had advocated the plan of the president; it remained for Benton to take the position of friendship toward the administration's recommendation. Benton felt that the surety of the peace of the nation was best to be secured by a strong executive. He would place the responsibility upon the shoulders of the president, believing that the people would rather see it centralized in him than distributed among the dissentient representatives in the Senate.

On the 18th of April, Foote's resolution of reference was carried and a committee appointed to consider the admission of California, together with the scheme of Clay and another that had been proposed by Senator Bell. Six of the thirteen members were from the Northern and six from the Southern States, with Clay, the thirteenth, chairman. The members from the free States were Webster, Phelps, James Cooper, (Whigs), and Cass, Daniel S. Dickinson, Jesse D. Bright, (Democrats). The members from the slave States were Thomas B. King, James M. Mason, Solomon W. Downs, (Democrats,) and Willie P. Mangum, John Bell, and John M. Berrien, (Whigs). Although the Whigs were in the minority in the Senate, they were given equal representation on the committee, showing that the committee was appointed upon sectional and not upon partisan lines. The senators chosen were able, experienced and moderate men. Phelps, of Vermont, alone had advocated the Wilmot Proviso, and Mason, of Virginia, was the only Southern extremist. On the 8th of May the committee made report. Their recommendations summarized were as follows:

First, the admission of any new State or States formed out of Texas to be postponed until they shall hereafter present themselves to be received into the Union, when it

will be the duty of Congress fairly and faithfully to execute the compact with Texas by admitting such new State or States.

Secondly, the admission forthwith of California into the Union, with the boundaries she had proposed.

Thirdly, the establishment of Territorial governments, without the Wilmot proviso, for New Mexico and Utah; embracing all the territory recently acquired by the United States from Mexico not contained in the boundaries of California.

Fourthly, the combination of these two last-mentioned measures in the same bill.

Fifthly, the establishment of the western and northern boundary of Texas, and the exclusion from her jurisdiction of all New Mexico, with the grant to Texas of a pecuniary equivalent; and the section for that purpose to be incorporated in the bill admitting California and establishing Territorial governments for Utah and New Mexico.

Sixthly, more effectual enactment of law to secure the prompt delivery of persons bound to service or labor in one State, under the laws thereof, who escape into another State.

Seventhly, in the District of Columbia the slave trade, but not slavery, to be prohibited under a heavy penalty.

Although no minority report was submitted, Phelps, Cooper, Mason, Downs, and Berrien dissented from the report in some particulars. The committee, however, were unanimous upon the first item of the report with respect to carving New States from Texas. In practical effect, these recommendations were the same as Clay's resolutions of the previous January. Bills embodying them had been prepared and these were offered at the same time as the report. The discussion of these measures covered five months, and nearly every Senator gave expression to his views. Clay, Webster, Cass, Douglas, and Foote, all favored the compromise scheme; Seward, Chase, Hale, Isaac Davis, of Massachusetts, and William L. Dayton, all either anti-slavery Whigs or Free-soilers opposed it. It

was also opposed by Benton, an independent Democrat, and by Jefferson Davis and the Southern radicals. Clay supported it with so much vigor that Greeley wrote in the *Tribune:* "He is . . . an overmatch in the engineering of a bill by sharp corners and devious passages for any man in the Senate. Webster is more massive and ponderous in a set debate, but does not compare in winning support to a measure."

In the meanwhile occurred the Nashville convention. In his Seventh of March Speech, Webster had pointed a shaft at this proposed gathering, declaring that, if any persons should meet at Nashville for the purpose of taking steps looking to the dissolution of the Union, "the bones of Andrew Jackson would turn in his coffin." Enthusiasm for the convention was in the air, so that but few newspapers in the South gave it their support, and what interest in it remained was largely centred in South Carolina and Mississippi. Nevertheless, it met on the 3d of June with Judge Sharkey presiding. The ultra slavery advocates hoped that the convention would set forth to the country the alternative of secession or full compliance with the demands of the South. But a new leader of the party of disunion had not risen to take the place of Calhoun, and the small attendance at the convention reduced the anticipated thunderbolts to the weak mutterings of a far-off storm.

The influence of the administration was exerted to the fullest extent to secure the defeat of the measure reported to the Senate by the Committee of Thirteen. The second, third, and fifth recommendations were combined in one measure, which the president derisively dubbed the Omnibus Bill. Hannibal Hamlin set himself to oppose it in the Senate, strengthened by the views of the president, who had said to him: "Stand firm; don't yield; it means disunion, and I am pained to learn that we have disunion men to contend with; disunion is treason." He added to this exhortation that, if they should attempt to carry out their scheme of disunion

"they should be dealt with by law as they deserved, and executed." The president's policy was to admit California at once and free of all conditions, leaving New Mexico under military government, while Utah should be practically abandoned to such government as the Mormons had instituted until such time as these Territories should frame State constitutions, when they were to be received. Although the administration was practically isolated, it yet had its supporters among the members of Congress, nor did it lack the backing of strong public sentiment. But as military rule in a Territory could be regarded only as a government of expediency, temporary in character, it would not be long before, in justice, New Mexico must be regarded as deserving statehood. Clay criticized the president's plan for its failure to provide for the ultimate facts of the situation of the Territories. "Here," said he, "are five bleeding wounds: first, there is California; there are the Territories, second; there is the question of the boundary of Texas, the third; there is the fugitive-slave law, the fourth; and there is the question of the slave-trade in the District of Columbia, fifth. What is the plan of the president? Is it to heal all these wounds? No such thing. It is only to heal one of the five, and to leave the other four to bleed more profusely than ever by the sole admission of California, even if it should produce death itself." Alexander H. Stephens believed that the president was opposed to the settlement of the slavery question, and that he was drifting toward alliance with the Free-soilers. Such an affiliation would have lost to Taylor the support of the South, and would have alienated from him half of his following in the free States. He believed also that only the large administration vote stood in the way of the Clay compromise passing both the Senate and the House.

The extremists of both the North and the South were united in opposing the Omnibus Bill. The Southern extremists believed that the action taken by California had been at the president's direction, and so they were determined

to defeat the president's plan and, in fact, to obstruct all legislation. The Free-soilers hoped to secure the admission of California without restrictions, and later, when the application for statehood on the part of New Mexico and Utah came under consideration, to secure favorable action upon the Proviso. For a time there appeared little prospect of the Clay compromise securing endorsement in the Senate. The newspapers, unfavorable to it, pointed their witticisms at both it and its author, the New York *Herald* declaring with regard to Clay that there was "not a Whig Senator or Whig member of the other house from the Southern section so poor and God-forsaken as to do him reverence." Nevertheless, the venerable senator from Kentucky fought every foot of the passage of his bill through the Senate chamber during the eight months of the debate. Clay's feelings with regard to the attitude of the administration are shown in a retort to Senator John Bell, from Tennessee, a defender of the president. Said Bell: "The president announced that he still adhered to the plan that he had proposed; and the old question is presented whether Mahomet will go to the mountain, or the mountain come to Mahomet. I do not undertake to say which is Mahomet or which the mountain." Quick as a flash came the response of Clay: "I beg pardon, but I only wanted the mountain to let me alone." That, in fact, was the limit of his expectation, that the administration might exercise the grace of forbearance.

An armistice in the political battles of Congress was declared by one whose arbitrament none could gainsay. President Taylor, apparently in robust health, on the Fourth of July attended the exercises commemorative of the nation's birthday which were held at the Washington monument, and listened to an oration by Senator Foote. He was suddenly taken ill, and by midnight it was apparent that the most serious results might be expected. At this time, President Taylor remarked to his physician: "I should not be surprised if this were to terminate in my death. I did not expect to encounter what has beset me since my elevation

to the presidency. God knows that I have endeavored to fulfil what I conceived to be my honest duty. But I have been mistaken. My motives have been misconstrued, and my feelings most grossly outraged." The thought that was evidently preying upon the president's mind had been suggested by a visit which he had received from Stephens and Toombs on the second day of his illness. It was reported that, representing a coalition of Southern extremists, they protested against his course on the slavery question, and warned him that if he did not alter his attitude on that subject they would move a resolution of censure on his conduct in a matter which will need to be stated further on. This was on Monday, the 8th, and by evening his physicians had abandoned hope for his life. The president died on July 9, 1850.

This death in the White House profoundly affected the American people, and Seward at this time wrote: "I never saw grief, public grief, so universal and so profound." The death of General Taylor affected the country not simply as the death of the chief executive, for there had been presidents for whom sentiments of compassion would have evoked timely testimonials of general grief had they died in their incumbency, but President Taylor was a man in whom large confidence was placed because of his sterling honesty. Politically, those who felt most poignantly the loss of the president were the Free-soilers and anti-slavery Whigs.

The man who ascended to the presidency through the death of General Taylor, Millard Fillmore, was a Whig and a statesman, upright in his personal character, experienced in public affairs and with a much wider knowledge of politics than his deceased chief. Fillmore was at a disadvantage in attempts to deal with the slaveholders from the fact that he was not one of them. Then too Fillmore was closely associated with Webster and Clay and belonged to the section of the Whig party which sought to temporize with slavery. Seward was ill-disposed toward his political

adversary and rival for national honors. With the elevation of Fillmore the influence of Seward ended. It was the advice of Clay which became potential in the forming of the new Cabinet. On July 10th, the day after the death of the president, Fillmore qualified for the position of chief executive. Following the precedent set in 1841, the members of the Cabinet handed their resignations to the new president, who in turn requested them to retain their several offices until he should have time enough to make up his own administration. By July 15th, Fillmore had completed his Cabinet, which comprised: Daniel Webster, of Massachusetts, secretary of state; Thomas Corwin, of Ohio, secretary of the treasury; James A. Pearce, of Maryland, secretary of the interior; Edward Bates, of Missouri, secretary of war; William A. Graham, of North Carolina, secretary of the navy; John Crittenden, of Kentucky, attorney-general; and Nathan K. Hall, of New York, postmaster-general. The men whom Fillmore called to his aid made up a strong Cabinet. Its distinctive character was devotion to the preservation of the Union.

The dominating spirit of the new Cabinet was Webster, who had gradually come to the position of complete acceptance of Clay's pending measures. He had no tolerance for the Free-soilers and his invectives were keen and bitter against abolitionism. Yet he made attacks upon the conscience party of the North which had a bad effect because that party did not discriminate so nicely as did Webster himself between legitimate opposition to slave expansion and natural abhorrence of the institution itself. Against the views of Seward and others, he insisted that Congress was under a perpetual obligation to admit such new slave States as might be created out of Texas. In a speech in July he declared: "I mean to stand upon the Constitution, I need no other platform; I shall know but one country. The ends I aim at shall be my country's, my God's, and truth's. I was born an American, I shall die an American; and I intend to perform the duties incumbent upon me in

that character to the end of my career. . . . No man can suffer too much, and no man can fall too soon, if he suffer or if he fall in defence of the liberties and Constitution of his country."

The composition of the new Cabinet was favorable to the adoption of Clay's policy of conciliation. New Mexico sent a delegate to the House, who was refused admission to the floor. The House still kept the California bill under consideration, awaiting a cue from the action of the Senate. The discussion in the Senate continued until the 31st of July, when the bill was ordered to be engrossed for the third reading. Amendment after amendment had been added to it, so that the original measure was reduced to the part which provided a Territorial government for Utah with or without the interdiction of slavery, and in that shape it was passed. On the next day, August 1st, the bill for the admission of California was made the special order of the Senate. Clay felt keenly the defeat of the measure. He had made a last earnest effort to secure for it favorable consideration and had said: "I believe from the bottom of my soul that this measure is the reunion of the Union. And now let us discard all resentments, all petty jealousies, all personal desires, all love of place, all hungering after the gilded crumbs which fall from the table of power. Let us forget popular fears, from whatever quarter they may spring. Let us go to the fountain of unadulterated patriotism, and, performing a solemn lustration, return divested of all selfish, sinister, and sordid impurities, and think alone of our God, our country, our conscience, and our glorious Union." He had strongly censured the abolitionists as reckless agitators and denounced the Southern extremists as fire-eaters, bringing under the lash of his invective more especially, Robert B. Rhett, of South Carolina, who in a public meeting at Charleston openly advocated secession. Robert W. Barnwell, of South Carolina, successor to Calhoun, declared his dissatisfaction with Clay's arraignment of his associate, whose character he eulogized, and in the course of his

remarks intimated that Mr. Rhett might have been expressing the sentiments of South Carolina. Clay quickly replied: "Mr. President, I said nothing with respect to the character of Mr. Rhett. I know him personally and have some respect for him. But if he pronounced the sentiment attributed to him of raising the standard of disunion and of resistance to the common government, whatever he has been, if he follow up that declaration by corresponding overt acts, he will be a traitor, and I hope he will meet the fate of a traitor. I have heard with pain and regret a confirmation of the remark I made, that the sentiment of disunion is becoming familiar. I hope it is confined to South Carolina. I do not regard as my duty what the honorable Senator seems to regard as his. If Kentucky to-morrow unfurls the banner of resistance unjustly, I never will fight under that banner. I owe a paramount allegiance to the whole Union,—a subordinate one to my own State. When my State is right—when it has a cause for resistance, when tyranny, and wrong, and oppression insufferable arise —I will then share her fortunes; but if she summons me to the battlefield, or to support her in any cause which is unjust, against the Union, never, never will I engage with her in such a cause!"

It was in vain that Clay sought to arrest the tide that was setting against his measure. But the day after his defeat he declared: "I stand here in my place, meaning to be unawed by any threats, whether they come from individuals or from States. I should deplore as much as any man living or dead, that arms should be raised against the authority of the Union, either by individuals or by States. But if, after all that has occurred, any one State or the people of any State, choose to place themselves in military array against the government of the Union, I am for the trying of the government. Nor am I to be alarmed or dissuaded from any such course by intimations of the spilling of blood. If blood is to be spilt, by whose fault is it to be spilt? Upon the supposition I maintain, it will be

the fault of those who raise the standard of disunion and endeavor to prostrate this government; and, sir, when that is done, so long as it please God to give me a voice to express my sentiments, or an arm, weak, and enfeebled as it may be by age, that voice and that arm will be on the side of my country, for the support of the general authority, and for the maintenance of the powers of this Union!" Clay followed the challenge of secession to its furthest limits and warned the disunionists that, although the army might be largely commanded by officers from the Southern States, the men would not draw their swords against the Union. To emphasize this point in its relations he declared: "The honorable Senator speaks of Virginia being my country. This Union is my country; the thirty States are my country; Kentucky is my country, and Virginia no more than any other of the States of this Union. She has created on my part obligations and feelings and duties toward her in my private character which nothing upon earth would induce me to forfeit or violate. But even if it were my own State, —if my own State lawlessly, contrary to her duty, should raise the standard of disunion against the residue of the Union,—I would go against her; I would go against Kentucky in that contingency, much as I love her." On August 2, 1850, Senator Clay was forced by ill health to resign his seat in the national legislature.

But that which could not be accomplished in the way that Clay planned was accomplished nevertheless. The agglomeration of measures which Taylor had styled an "omnibus bill" was broken up and its separate parts were severally adopted. The Texas boundary bill had the claim of peculiar urgency for its adoption by the Senate. The spur to the Senate came from President Fillmore, who on August 6th transmitted to the two Houses of Congress a letter from the governor of Texas and other documents relating to the Texas border dispute. He informed Congress that the Governor of Texas had called the legislature together for the purpose, as was reported, of taking measures for the occupation

of New Mexico east of the Rio Grande, and stated that, unless the national government came to a friendly understanding with Texas, force would have to be opposed to force. This situation involved the status of New Mexico and was referred to by President Fillmore in the following language: "No government can be established for New Mexico, either State or Territorial, until it shall be first ascertained what New Mexico is, and what are her limits and boundaries. These cannot be fixed or known till the line of division between her and Texas shall be ascertained and established; and numerous and weighty reasons conspire, in my judgment, to show that this divisional line should be established by Congress, with the assent of the government of Texas. In the first place, this seems by far the most prompt mode of proceeding by which the end can be accomplished. If judicial proceedings were resorted to, such proceedings would necessarily be slow, and years would pass by, in all probability, before the controversy could be ended. So great a delay in this case is to be avoided, if possible. Such delay would be in every way inconvenient, and might be the occasion of disturbances and collisions. For the same reason I would, with the utmost deference to the wisdom of Congress, express a doubt of the expediency of the appointment of commissioners, and of an examination, estimate, and an award of indemnity to be made by them. This would be but a species of arbitration which might last as long as a suit at law.

"So far as I am able to comprehend the case, the general facts are now all known, and Congress is as capable of deciding on it justly and properly now as it probably would be after the report of the commissioners. If the claim of title on the part of Texas appears to Congress to be well founded in whole or in part, it is in the competency of Congress to offer her an indemnity for the surrender of that claim. In a case like this, surrounded as it is by many cogent considerations, all calling for amicable adjustment and immediate settlement, the government of the United

States would be justified, in my opinion, in allowing an indemnity to Texas, not unreasonable or extravagant, but fair, liberal, and awarded in a just spirit of accommodation.

"I think no event would be hailed with more gratification by the people of the United States than the amicable adjustment of questions of difficulty which have now for a long time agitated the country, and occupied, to the exclusion of other subjects, the time and attention of Congress."

The Senate recognized the necessity of making haste and a bill passed that body providing a boundary for Texas which reduced New Mexico to smaller dimensions than Clay had intended, and offered to Texas ten million dollars for the surrender of its claim. California was the next of these associate measures to receive a favorable vote, the bill for its admission being adopted in the Senate on August 12, 1850, thirty-four votes being cast for and eighteen against. Besides the negative votes, the senators from Virginia, South Carolina, Florida, and one senator each from Louisiana, Mississippi, and Missouri, ten in all, subscribed their names to a protest against the admission of California as a free State, upon the ground that it was unjust to the rights of the slaveholding States and that it was contrary to precedent and to the spirit and intent of the Constitution. They further declared that it formed part of a wider policy, which would be fatal to the peace and equality of the States they represented, and which, if persisted in, must result in the dissolution "of that confederacy, in which the slaveholding States have never sought more than equality, and in which they will not be content to remain with less."

The bill to establish a Territorial government in New Mexico was passed on August 15th. It provided that New Mexico might, when fit to be received as a State, come into the Union with or without slavery as it might elect, and that, in the meantime all cases involving title to slaves in the Territory should be passed upon by the Supreme Court of the United States. On August 26th the Senate passed a fugitive slave bill, after it had been put in a form

less favorable to the negro than when it had been reported by Clay's committee.

The House of Representatives was greatly agitated over the Texas boundary bill. On September 4th the bill was referred to the Committee of the Whole. At that time its fate was in doubt, or rather its defeat seemed certain. By a majority of thirty-six it was refused a third reading, but a reconsideration of the vote was moved and the House adjourned. When it met the next day the vote for reconsideration was carried by a majority of fifty-six. An amendment was added to the bill containing a provision for Territorial government in New Mexico. When the bill got to the third reading again, the House, by a slight majority, refused to give it that last consideration. Once more a vote of reconsideration was moved, which the Speaker declared out of order, and again the House adjourned. The next day the decision of the Speaker failed to be sustained by a vote of the House. But, finally, the bill was passed to a third reading by a majority of ten, after which it received a majority vote and became law. The passage of the act had been largely the work of Texas speculators, who thronged Washington in its interests. The Speaker had done his duty. The effect of the passage of the bill was seen in the stimulation of Texas scrip, which went up to par. The other bills sent down by the Senate were passed without difficulty.

The enactment of the several measures of the Omnibus Bill with the exception of that which interdicted the slave traffic in the District of Columbia, was equivalent to the adoption of the Compromise of 1850. When Clay, who had left Washington heartsick and chagrined at the apparently irrevocable defeat of his measure, returned to that city the last week in August, he found that everything for which he had contended so earnestly, the measures which he fondly looked upon as constituting a strong dyke against the ingress into the republic of the disintegrating waters of secession precursing the flood tide of national disaster, had

been adopted. On the 30th of September, Congress adjourned after one of the longest and most strenuous sessions on record. Webster, writing to a friend, observed: "Since the 7th of March there has never been an hour in which I have not felt a crushing weight of anxiety and responsibility. I have gone to sleep at night and waked in the morning with the same feeling of eating care; and I have sat down to no breakfast or dinner to which I have brought an unconcerned or easy mind. It is over. My part is acted, and I am satisfied. It is a day of rejoicing here such as I never witnessed. The face of everything is changed. You would suppose nobody ever thought of disunion. All say they always meant to stand by the Union to the last."

Yet there was in the nation a sense of uneasiness and the reason for it was the force of the dictum of Calhoun that slavery to exist with security in the Union must rule it. Those who agreed with Calhoun were right in regarding the admission of California as an almost fatal blow to their cause, destroying, as it did, the numerical balance between the free and the slave States. They were unmollified by any of the other measures passed and returned to the attack time and again, demanding that the Missouri Compromise line should be run through the newly-acquired Territories to the Pacific Ocean and that to the south of that line slavery should have the security of positive law; or they asked that local laws and usages existing in those Territories which prohibited slavery should be declared invalid by act of Congress. They had failed to get their wishes embodied in the compromise measures, for Clay had steadfastly refused to aid in legislating slavery into free territory. He made the concession of yielding his general proposition found in the original resolutions that slavery did not by law exist and was not likely to be introduced into the acquired Territories. With equal reluctance he had assented to the reporting by the Committee of Thirteen of an amendment interdicting Territorial legislatures from passing any law in respect to African



John Lawrence Leconte.
From the painting by H. Uhlke.



Spencer Fullerton Baird.
From the painting by H. Uhlke.



Edward Drinker Cope.
From the painting by George Petit.

All of which are in possession of the American Philosophical Society, Philadelphia.

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slavery. Still another concession was embodied in the amendment which gave to the Territories at the time of their seeking admission to the Union the right to fix their own status with regard to slavery. Clay's argument was that if slavery actually existed in the newly-acquired Territories, it could not be abolished, and if it did not exist, it could not be introduced by any act of the Territorial legislature. The question arose whether slavery existed in New Mexico. Clay insisted that it did not, while its champions declared that it did. The latter argued that, even if it had been abolished by Mexican law, as Clay and those of his way of thinking contended, the Constitution of the United States by the act of acquisition of that territory extended slavery over the Territories and accorded to the slaveholder the right to take his property there. Clay was emphatic in his denunciation of this theory of the Constitution and the Supreme Court of the United States, by the terms of the compromise, was made the court of referee in the matter. The spirit of the South was not satisfied with anything less than an advance judgment in its favor. The decision of the Supreme Court might or might not sustain the slaveholder's demands and fortify his interests. On the other hand, the North found occasion to dissent from this expedient for the adjustment of differences upon the question; she was not satisfied to have the power of full legislation upon slavery in the Territories, which Congress had always enjoyed, limited in any way. Consequently the North coined the "principle of non-intervention," which was in future years to disturb the peace of the section which had called it into being. This was the principle that four years later was invoked for the repeal of the Missouri Compromise and that brought the advocates and opponents of slavery and free labor face to face in arms on the soil of Kansas.

Nor did the Fugitive Slave Law lack elements fateful to the peace of the country. The losses and irritations experienced by the Southern slaveholders over the escape of their slaves to Northern territory, the kidnapping of some

of them by Northern abolitionists in order that they might secure to them freedom and the aid and comfort which were invariably extended to the bondsmen who found their way to free soil, were grievances which from the point of view of existing law furnished ample justification to the slaveholder for the vigorous protests which he made against the bad faith of his brethren of the North. On the other hand, it was odious to Northern communities to be forced by the exigencies of particular cases to be made partners in what they esteemed to be the great moral guilt of slavery, to be compelled to violate their sense of right, and to aid in forging again the shackles upon the limbs of beings whose sole offence lay in their having planted their feet upon the soil of freedom. The Fugitive Slave Law not only did all this, but it did it upon the simple command of the claimant and excluded the defendant from giving testimony in his own case. Moreover, it required that all good citizens, whenever called upon to do so, should aid in the prompt and effective execution of the law. The United States marshal was made personally liable for the full value of the slave should the fugitive after recapture escape from his custody, and whoever connived at the escape of a slave or harbored a fugitive, or in any way sought to prevent his capture, was subject to fine and imprisonment.

The statement of the provisions of the Fugitive Slave Law is sufficient to pronounce condemnation upon it. The slave had no appeal from the claimant, as, having no status before the law, he could give no testimony in his own behalf. The law was so contrived as to give the master every aid in capturing his slave. The law was unjust to the North in that it made the people of the free States unwilling connivers in an institution which was abhorrent to their political views. The equities were violated in that the South secured legislation to safeguard the institution of slavery in its section from interference in any particular on the part of persons or States in the North, while, on the other hand, the slaveholder claimed and exercised the right, under the law, to

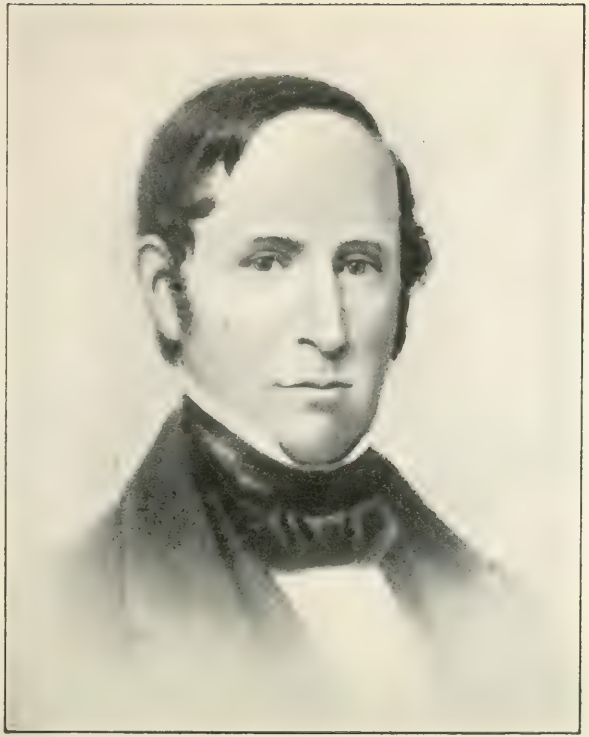
cross the border into free territory and carry with him protection for slaves and slavery. Northern men claimed that the Fugitive Slave Law was designed to do more than secure the return of runaway slaves; they saw in it a part of a scheme to irritate Northern sentiment to the point of disregarding the Federal statute so as to lay them under the charge of unfaithfulness to the Constitution. The Fugitive Slave Law was not uniformly approved, even in the South, many Southern leaders declaring that the conditions upon which it was based were greatly exaggerated. Before signing the law, on September 18th, 1850, Fillmore had consulted Attorney-general Crittenden as to its constitutionality, and was assured in positive terms that it was constitutional. In this view of the question Webster concurred. The president had no recourse left him but to give his approval to the measure.

The passage of the compromise measures had a good effect upon the country in quieting the perturbation of feeling and also in stimulating trade and industry. The slave question was regarded generally as being disposed of in a way satisfactory to the North as well as to the South. Certainly this was the view of the great manufacturing interests of the Northern and the Middle States. Boston celebrated the event by firing cannon and indulging in other enthusiastic expressions. Union meetings were held in New York, Philadelphia, and many other cities of the country; and the compromise measures received endorsement, even the Fugitive Slave Law in many instances being approved on the ground that it was a constitutional measure. The Union conventions were held in the South, as well as in the North. In this way Georgia, Louisiana, and other States participated in the general feeling of gratulation. About the only States which did not enter heartily into the spirit of satisfaction in the country at large were South Carolina and Mississippi, although in the latter State there was not lacking a strong Union feeling. There were a large number of persons in the North, however, who were

as little placated by the compromise measures as were the most radical of the slaveholding element in the South. An immense Free-soil meeting was held at Lowell, Massachusetts, a large gathering at Syracuse, New York, and a similar assemblage at Springfield, Massachusetts. These meetings were all held during October, 1850, and passed resolutions denouncing the compromise enactments. On the 14th of the same month, thousands of persons met at Faneuil Hall to put themselves on record in the same way. This meeting was presided over by Charles Francis Adams, and Wendell Phillips and Theodore Parker addressed the audience. The resolutions passed by this meeting declared that the law protested against was contrary to the Golden Rule, contradicted the Declaration of Independence, and was inconsistent with the Constitution. At a meeting in Faneuil Hall in November, Charles Sumner announced his opinion that the Fugitive Slave Law could not be enforced in Massachusetts. Said he: "I counsel no violence. There is another power, stronger than any individual arm, which I invoke; I mean that irresistible public opinion inspired by love of God and man, which, without violence or noise, gently as the operations of nature, makes and unmakes laws. Let this public opinion be felt in its might, and the Fugitive Slave bill will become everywhere among us a dead letter."

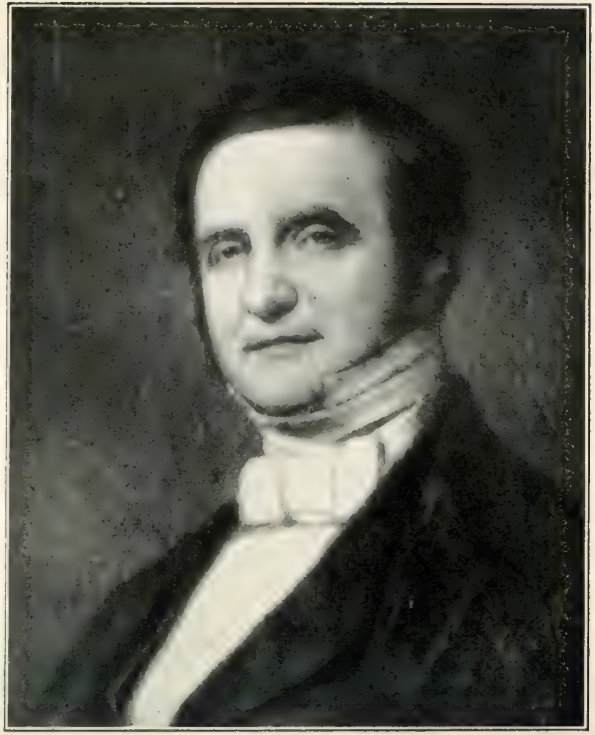
So much for the sentiments pro and con with regard to the Fugitive Slave Law. Back of all the faith entertained by the optimists North and South in the success of that measure there lay the fact that no fugitive slave law could be more than a dead letter. This sentiment was expressed as early as the 21st of March in the *Independent*, and the position of that periodical will suffice to show the state of feeling which was more nearly general than the friends of conciliation cared to think. The opinion of the *Independent* was as follows: "Mr. Calhoun, who is seldom at fault in his facts and judgments, though in his principles he is crazy enough, declared the truth, that no enactments

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Willie Person Mangum.

From a painting by an unknown artist.



George Peabody.

From the painting by G. P. A. Healy in the Corcoran

would be of any use if the people of the North were indisposed to arrest fugitive slaves. The people are opposed to slave catching on free soil! No enactments will be of any use! Ten thousand pulpits are every week pouring light upon the public mind. Every religious paper (save a few whose subscribers are in the valley of vision, a great army of dry bones) is standing for the right. Some few there be that dare not speak for the oppressed; but they are equally too cowardly to speak against the public sentiment of humanity which lives in the North. And Daniel Webster might as well pour oil on Niagara to calm it, as honeyed words on the true conscience and outbursting humanity of Northern freemen and Christians, to quiet them." Events amply testified to the reasonableness of the doubts of those who did not believe that the Fugitive Slave Law could be made effective. Every attempt to enforce it increased the number of its opponents and strengthened the propaganda against the measure. Not only so, but it proved a veritable revelation to the North of the strength and growing demands of the slaveholding power. It would be difficult to exaggerate the strength of feeling of a large part of the North against the Fugitive Slave Law. The people of the North regarded it as a subversion of their rights, a prostitution to execrable ends and a repudiation of every principle of manhood and freedom for which the country stood. The sentiment of the North was occasioned partly by the results of the law as seen in its practical operation, but more by the sense of the Northern people of its inherent injustice. The rising tide of popular indignation settled into fixed animosity toward the people in whose behalf the measure was enacted.

CHAPTER IX

THE FUGITIVE SLAVE LAW IN OPERATION

A REVIEW of some of the cases which awakened the indignation of the people will illustrate the workings of the Fugitive Slave Law. In April, 1851, a Baltimore officer, accompanied by one from Harrisburg, appeared in Columbia, Pennsylvania, in pursuit of William Smith, alleging that he was a fugitive slave. The negro had resided in Columbia for a year and a half and had a wife and two children. Seized while at work and remonstrating with the officers over his arrest, he was shot by the Baltimore officer, expiring immediately. The legislature of Maryland appointed a commission to collect the facts in the case and to correspond with the Governor of Pennsylvania respecting it, but no action resulted. In the same year a Maryland man seized a colored girl at a home in Nottingham, Pennsylvania, and forced her to enter a carriage in spite of the protests of her mistress that the girl was a free negro and against the earnest endeavors of her master to prevent her capture, even though the former was threatened with a pistol if he did not desist from his efforts in her behalf. The girl was carried to Baltimore and placed in one of the slave pens of that city, but her friends continued their interpositions and succeeded in bringing her case before the courts, where, the kidnapper failing to establish his claim, the girl was released. Her master started to return home with the girl, but was found the next morning nine miles from the city suspended from a tree. As all the circumstances pointed to murder, the Governor of Pennsylvania made requisition upon the Maryland

executive for the kidnapper, but the latter escaped a trial through a witness who swore that the girl's master had admitted to him that she was a slave; testimony which was rebutted by inhabitants of Nottingham, who testified that they had known her from childhood and her parents for twenty years. Still another case, more distressing, occurred in the spring of 1851. A woman bearing the name Hannah Dellan was arraigned before a Philadelphia justice on the charge of being a fugitive, and despite the fact that the woman was about to give birth to a child, the justice, who was subservient to the claimant, prolonged the session of the court in order that the case might be disposed of and the woman taken out of the State of Pennsylvania, thus depriving her offspring of the benefit of birth in a free State.

William and Ellen Crafts, of Georgia, were more fortunate than many fugitives in their success in resisting arrest and return to bondage. The woman was a mulatto of exceptionally light complexion, and donning the garb of a young planter, journeyed North under the pretence of being consumptive and seeking expert medical advice. William took the part of body servant attached to his young master. They followed the most public routes and mingled freely with white persons. They arrived safely in Massachusetts, where they found warm friends who succeeded for a while in frustrating the efforts of their pursuers to find them. In October, 1850, an attempt to arrest the fugitives created a great excitement and gained for them many friends. These persons aided them to escape to England. The men who had gained unenviable notoriety by pursuing the fugitives were made objects of derision upon the street and were waited upon at their hotel by citizens who advised them to leave Boston while they might do so unmolested. They took this advice. But the story of the Crafts is not complete without notice of the active participation in their behalf of the eminent anti-slavery advocates, Dr. Henry I. Bowditch and Theodore Parker. Crafts barricaded himself in his workshop and

prepared to maintain his liberty to the death, while Ellen was taken out of the city by friends to the home of Ellis Gray Loring, but, fearing that she was not yet safe, Theodore Parker offered her the asylum of his own home, and there she remained in safety until the slave hunters had left the city. The tenseness of the general feeling over the case is shown by the words of the eminent divine who became the woman's protector. Said Mr. Parker: "For two weeks I wrote my sermons with a sword in the open drawer under my inkstand, and a pistol in the flap of the desk, loaded and ready, with a cap on the nipple."

A case commonly known as the "Jerry rescue" occurred in Syracuse, New York, in 1851. Jerry McHenry, who had resided in Syracuse for several years, was arrested and arraigned before the commissioner as a fugitive from slavery. During the trial of the case the man made a break for liberty, escaping from the room, but was overtaken and carried fighting and struggling in a wagon through the streets. The circumstance greatly incensed the people, some of whom planned to effect the man's rescue. They arranged to break into the court room that evening, overpower the officers, secure the prisoner and carry him to a place of safety. This plan was successfully executed, and, after being kept in concealment for a week, McHenry was assisted to a refuge in Canada. The United States officers determined to make examples of the persons concerned in the rescue, and eighteen of the prominent citizens of Syracuse were indicted and summoned to appear at Auburn to answer for their offence. William H. Seward promptly headed a list of the leading citizens of the State who went surety for the prisoners. This case by reason of the prominence of the persons connected with it became famous. The United States District Attorney served summonses upon several of the persons indicted to appear for trial at Buffalo and Albany. The case, however, went no further, notwithstanding the open avowal of those implicated in the proceedings. On the 11th of September, 1851,

occurred a case in which the aiders and abettors of the fugitive did not fare so well. The object of the search was a negro who had escaped from his Maryland owners three years before. The master, Edward Gorsuch, his son and a party of friends went to Christiana, Pennsylvania, to seek the fugitive. The party was accompanied by a United States officer, and armed with a warrant from the commissioner at Philadelphia. They approached the house of William Parker, a colored man, who was harboring the fugitive, and demanded the surrender of the latter, at the same time firing two shots at the house. A number of free negroes and several members of the society of Friends gathered about the house, the former to aid the fugitive and the latter with their counsels of peace. The deputy-martial ordered the Friends to join his posse, but the latter urged him to withdraw with his men for their safety. Persisting in his purpose, Gorsuch and his party fired upon the free negroes and were in turn fired upon. Gorsuch was killed and his son seriously wounded. During the *mêlée* the fugitive escaped. Intelligence of the conflict created intense excitement and under orders from the president, the United States marshal, the district attorney and the commissioner from Philadelphia with forty-five marines from the navy yard hastened to the scene of disorder. This force was augmented by a large body of special constables and the country was scoured with the result that twenty-four arrests were made of persons supposed to have been implicated, two of them being white and the rest colored. The white men and one of the negroes were brought to trial and were acquitted. The other prisoners were never tried. And yet these few cases of attempts to take fugitive slaves from their asylum in the North represented but an insignificant minority of the actual number of fugitive slaves in Northern States. According to veracious testimony there were fifteen thousand fugitives in the free States.

These cases bore upon discussions in Congress upon its reassembling in December, 1850. A glance at the sentiments

which they evoked will serve further to indicate the curious situation in the country caused by the existence of a law which was repellent to the Northern people, but which many patriotically supported because they believed that it conformed to the Constitution. The president's first annual message struck the keynote which was sounded throughout the discussions of Congress. That portion of his message which related to the compromise measures was as follows: "It was hardly to have been expected that the series of measures passed at your last session, with the view of healing the sectional differences which had sprung from the slavery and territorial questions, should at once have realized their beneficent purpose. All mutual concession in the nature of a compromise must necessarily be unwelcome to men of extreme opinions. And though without such concessions our constitution could not have been formed, and cannot be permanently sustained, yet we have seen them made the subject of bitter controversy in both sections of the republic. It required many months of discussion and deliberation to secure the concurrence of a majority of Congress in their favor. It would be strange if they had been received with immediate approbation by people and States prejudiced and heated by the exciting controversies of their representatives. I believe those measures to have been required by the circumstances and condition of the country. I believe they were necessary to allay asperities and animosities that were rapidly alienating one section of the country from another and destroying those fraternal sentiments which are the strongest supports of the Constitution. They were adopted in the spirit of conciliation and for the purpose of conciliation. I believe that a great majority of our fellow citizens sympathize in that spirit and that purpose, and in the main approve and are prepared in all respects to sustain these enactments. I cannot doubt that the American people, bound together by kindred blood and common traditions, still cherish a paramount regard for the Union of their fathers, and that they

are ready to rebuke any attempt to violate its integrity, to disturb the compromises on which it is based, or to resist the laws which have been enacted under its authority.

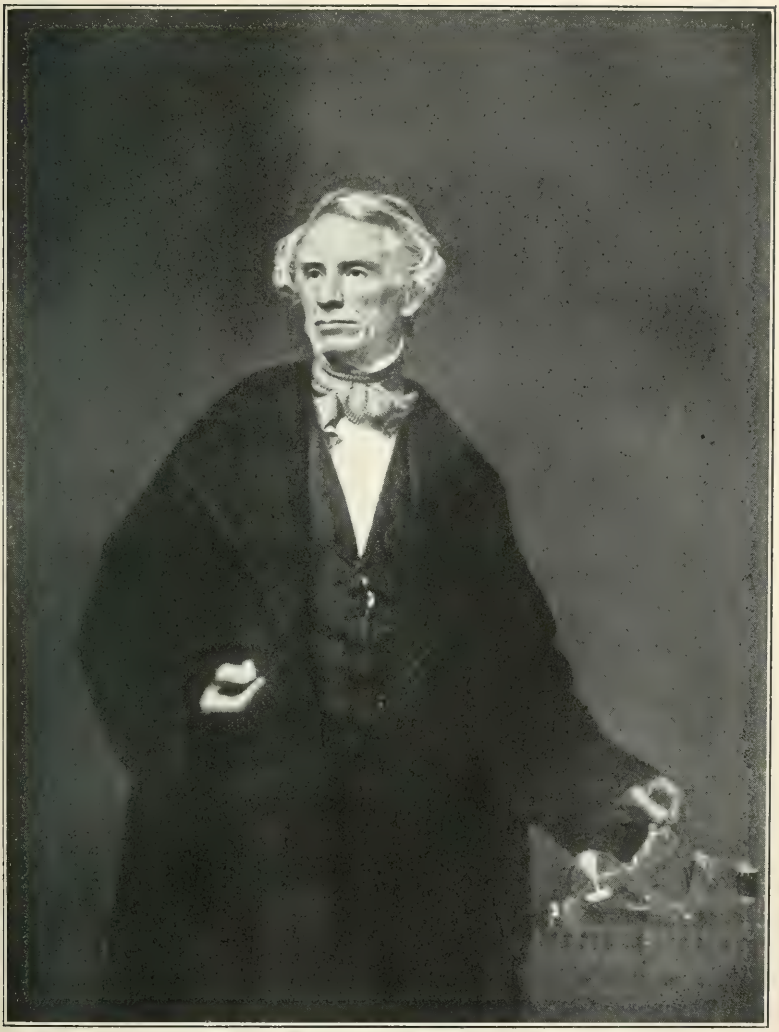
"The series of measures to which I have alluded are regarded by me as a settlement, in principle and substance —a final settlement—of the dangerous and exciting subjects which they embrace. Most of these subjects, indeed, are beyond your reach, as the legislation which disposed of them was, in its character, final and irrevocable. It may be presumed from the opposition which they all encountered, that none of those measures was free from imperfections, but in their mutual dependence and connection they formed a system of compromise, the most conciliatory, and best for the entire country, that could be obtained from conflicting sectional interests and opinions.

"For this reason I recommend your adherence to the adjustment established by those measures, until time and experience shall demonstrate the necessity of further legislation to guard against evasion or abuse.

"By that adjustment we have been rescued from the wide and boundless agitation that surrounded us, and have a firm, distinct, and legal ground to rest upon. And the occasion, I trust, will justify me in exhorting my countrymen to rally upon and maintain that ground as the best, if not the only, means of restoring peace and quiet to the country, and maintaining inviolate the integrity of the Union.

"And now, fellow citizens, I can not bring this communication to a close without invoking you to join me in humble and devout thanks to the Great Ruler of nations for the multiplied blessings which he has graciously bestowed upon us. His hand, so often visible in our preservation, has stayed the pestilence, saved us from foreign wars and domestic disturbances, and scattered plenty throughout the land.

"Our liberties, religious and civil, have been maintained, the fountains of knowledge have all been kept open, and means of happiness widely spread and generally enjoyed, greater than have fallen to the lot of any other nation.



Samuel Finley Breese Morse. *From an early photograph.*



And while deeply penetrated with gratitude for the past, let us hope that His all wise providence will so guide our counsels as that they shall result in giving satisfaction to our constituents, securing the peace of the country, and adding new strength to the united government under which we live."

In January, 1851, a pledge was signed by a number of members of Congress, declaring that they would not support for office any man who was not known to be opposed "to the disturbance of the settlement, and the renewal, in any form, of agitation upon the subject of slavery." So great was the shrinking from meeting again the issue which the national legislators hoped was settled. Among the signers were Clay, Howell Cobb, the Speaker of the House, Alexander H. Stephens, and Robert Toombs. The position of the moderate abolitionists, coming between the radical anti-slavery advocates of the North and the radical slavery upholders of the South, is well expressed by Emerson in his address at Concord, May 3, 1851: "The act of Congress," said he, "of September 18, 1850, is a law which every one of you will break upon the earliest occasion—a law which no man can obey, or abet the obeying, without loss of self-respect and forfeiture of the name of gentleman."

On February 15, 1851, an event occurred which gave an opportunity for the expression of Southern dissatisfaction with the operation of the Fugitive Slave Law. This was the arrest of Shadrack, a negro charged with having escaped from his master. Having been brought before George Ticknor Curtis, the commissioner, Seth J. Thomas, a Democratic lawyer, appeared for the claimant and Samuel E. Sewall and Ellis Gray Loring and other eminent counsel were retained by friends of the colored man. The hearing of the case was postponed until the 18th of February, and the prisoner was remanded to the custody of the deputy marshal and locked up in the United States court room in the court house, as the laws of Massachusetts did not permit the use of the jails for the custody of fugitives from slavery. That night a mob of colored men broke into the room, took

possession of the prisoner and spirited him into Canada, beyond the reach of the United States law. Theodore Parker had hastened to the court house to take part in the rescue of the negro and, when he found that he had already been seized by his friends, entered in his journal his expression of satisfaction in the following words: "This Shadrack is delivered out of his burning, fiery furnace without the smell of fire on his garments . . . I think it is the most noble deed done in Boston since the destruction of the tea in 1773." The excitement created by the occurrence was not limited to Massachusetts, the country at large hearing of the matter with intense interest and varying feelings. The facts were telegraphed to the president at Washington with a request for instructions and the president issued a proclamation calling upon all good citizens and commanding all civil and military officers to use their best efforts to suppress any combination of persons bent upon breaking the law and to aid in the arrest of those who had set the law at defiance. The incident demonstrated the fact that Massachusetts could not be called upon to coöperate in the enforcement of the Fugitive Slave Law. Five of the rescuers were arrested, but the jury could not agree and they were not convicted. It was well understood that back of the negroes who had effected the rescue of their fellow was a vigilance committee of representative citizens, a committee thoroughly organized, whose purpose it was to frustrate attempts to carry back from Massachusetts into serfdom negroes who had found asylum within the State's confines. Yet there were many persons in Boston who, notwithstanding their sympathy with the objects of the slave hunters' quest, held the law in superior reverence to their sentiments of humanity, and the common council instructed the mayor and city marshal to employ the police force energetically to support the law and to maintain the public peace.

The effect of this counsel was evident in the case of the negro Thomas Sims, who was arrested on the 3d of April.

He also was confined in the court house, but a strong cordon was placed around the building and the place was surrounded by heavy chains. The fugitive was duly tried, and the evidence being clear the court ordered that he be returned to his owner. But the people of Boston were determined that he should not be taken out of the city. Nevertheless they were unable to prevent it, as the militia were under arms at Faneuil Hall and an attempt to rescue the negro would inevitably have caused a bloody clash. Amidst the tolling of the bells of the city the fugitive was safely put upon a vessel which conveyed him to Savannah. Although the people of Boston had been unable to prevent the negro from being taken out of the city, they were able to register their protest. Meetings had already been held on Boston Common, addressed by Wendell Phillips and others. A gathering at Tremont Temple had been forcefully addressed by Theodore Parker. On the 8th of April a convention was called at Tremont Temple and presided over by Horace Mann. After referring bitterly to the fact that Faneuil Hall had been denied them for this meeting, he declared that there was a melancholy propriety in the fact, inasmuch as "when the court house is in chains, Faneuil Hall may well be dumb." Other speakers were Henry Wilson, Thomas W. Higginson, and William Lloyd Garrison. The excited state of public feeling is further shown by the following document which was put in circulation:

PROCLAMATION
to all
THE GOOD PEOPLE OF MASSACHUSETTS
Be it known that there are now
THREE SLAVE-HUNTERS OR KIDNAPPERS
in Boston
Looking for their prey. One of them is called
"DAVIS."

He is an unusually ill-looking fellow, about five feet eight inches high, wide-shouldered. He has a big mouth, black hair, and a good deal of dirty bushy hair on the lower part of his face. He has a Roman nose,

one of his eyes has been knocked out. He looks like a Pirate, and knows how to be a Stealer of Men.

The next is called

EDWARD BARRETT.

He is about five feet six inches high, thin and lank, is apparently about thirty years old. His nose turns up a little. He has a long mouth, long thin ears, and dark eyes. His hair is dark, and he has a bunch of fur on his chin. He had on a blue frock coat with a velvet collar, mixed pants, and a figured vest. He wears his shirt collar turned down, and has a black string—not of hemp—about his neck.

The third ruffian is named

ROBERT M. BACON *alias* JOHN D. BACON.

He is about fifty years old, five feet and a half high. He has a red, intemperate-looking face and a retreating forehead. His hair is dark, and a little gray. He wears a black coat, mixed pants, and a purplish vest. He looks sleepy and yet malicious.

Given at Boston, this 4th day of April, in the year of our Lord 1851, and of the Independence of the United States the fifty-fourth.

God Save the Commonwealth of Massachusetts!

The feeling in the North, most intense in the New England States, was general throughout the region north of the Mason and Dixon line. Consequently, the Boston cases under the Fugitive Slave Law, followed by the Pennsylvania and New York cases in the fall of the same year, created a deepened consciousness of the impossibility of the North's ever accepting peace with the South upon the latter's conditions. From the passage of the law up to the time of the "Jerry rescue" nearly a year had elapsed and it had become evident to those who had been hopeful of loyalty on the part of the Northern people to the law of the land, that any law that violated the fundamental principles of democratic government would not receive the support of public sentiment. In the South the year had been marked by an advance of Union feeling, the compromise measures having been accepted in good faith by the majority of the States. South Carolina and Mississippi, however, still held out against the tide which was setting toward Union. In May

THE
NEW YORK
PUBLIC LIBRARY



Type of slave market at St. Augustine, Florida.



Roundhouse at Harper's Ferry, held by John Brown and his associates.

The Southern Rights Association of South Carolina met in convention at Charleston and declared itself in favor of immediate secession, with or without the coöperation of other Southern States. The paramount feeling in Georgia was reflected in the attitude of ex-Governor George M. Troup, who had been the consistent advocate of State sovereignty ever since that principle had been made politically prominent in Georgia through the legal contest over the Yazoo land claims. Of the thirty papers of South Carolina but two opposed secession. The fall election, however, either showed that a great change had come over the sentiment of the people since the Southern Rights Convention, or else the newspapers had not at the time properly reflected it. Two-thirds of the delegates to the State Convention were elected to that body upon the issue of opposition to secession. This was regarded throughout the country as a Union victory, inasmuch as most of the other Southern States were by this time strongly under the influence of Union feeling.

In Mississippi this year political activity was marked, the claimants for public favor being Jefferson Davis and Senator Henry S. Foote. The States Rights party supported Davis as candidate for governor. This party believed in the right of secession and favored holding a convention of the Southern States to take action. Foote was the candidate of the Unionists. The campaign was vigorously conducted, and the returns showed a majority of only one thousand and nine in favor of Foote.

The advent of a political campaign with its distractions and excitement and the nomination of candidates served to fix the attention of the people for a time upon other matters than the Fugitive Slave Law, but that burning question could not be permanently set aside. The Thirty-second Congress met in its first session in December, 1851. The Democratic members of the House held a caucus, which was attended by two-thirds of the total number of Democratic representatives. A resolution endorsing the compromise measures was introduced and laid upon the table.

A caucus of the Whig members, attended by less than one-half of the representatives of their party, met and passed a resolution endorsing the measures. After the House was organized by the election of Linn Boyd, of Kentucky, as Speaker, the annual message of President Fillmore was received and read. The president referred to his former annual message and reiterated its sentiments and recommendations, congratulating the country on the general acquiescence in the Congressional measures of conciliation and peace. Soon after Congress assembled, Senator Foote, of Mississippi, introduced a resolution declaring that the measures of adjustment finally settled questions growing out of the existence of slavery. This resolution was discussed, but never brought to a vote. In the House similar resolutions were introduced, and passed by large majorities. On May 26th, Charles Sumner presented a petition from the Society of Friends in New England, asking for the repeal of the Fugitive Slave Law. The Senator, in performing this duty, made a speech which was comprehended in the aphorism: "Freedom, and not slavery, is national; while slavery, not freedom, is sectional." Sumner, on the following day, submitted a resolution instructing the Judiciary Committee to consider the expediency of reporting a bill for the immediate repeal of the Fugitive Slave Act. James M. Mason, of Virginia, and Walker Brooke, of Mississippi, opposed this measure on the ground that it would result in the dissolution of the Union. Permission to have the resolution considered was refused, only ten members voting favorably. Brooke, in his speech of opposition, declared that it was no idle threat to say that the Union would be dissolved if Sumner's resolution were passed, for, while he did not think the Fugitive Slave Act of any especial benefit to his own State, for the cost of capturing the few slaves who ran away from Mississippi amounted to more than their value, yet the repeal of the Fugitive Slave Act would be construed as a breach of faith on the part of the North, and that section would be charged with not having lived up to its agreement.

Senator Charlton, of Georgia, made a similar statement in behalf of his State, alleging that Georgia was committed to the dissolution of the Union just as soon as the Fugitive Slave Law should be repealed, and impressed upon his hearers the interdependence of these two facts by the quotation:

> "While stands the Coliseum, Rome shall stand;
> When falls the Coliseum, Rome shall fall."

At this time Sumner did not have an opportunity of expressing himself, but later, when the appropriation bills were under consideration toward the close of the session, his chance arrived. One of these bills provided for the payment of the extraordinary expenses incurred by the government in executing the laws. This bill was plainly aimed at the Fugitive Slave Law, and its intent to have the general government bear the costs of capturing the runaway negroes was clear to all. Sumner promptly moved an amendment to the bill, excepting from its operation the Fugitive Slave Act and the repealing of the Act itself. This gave him an opportunity to speak upon the question. "I could not," he said, "allow this session to reach its close, without making or seizing an opportunity to declare myself openly against the usurpation, injustice, and cruelty of the late enactment by Congress for the recovery of fugitive slaves." He then launched upon an argument in favor of the repeal of that measure, taking for his thesis his favorite dictum that slavery was sectional and not national. He appealed for confirmation for his views to law, to history, to the great statesmen in the nation's past, to the Church, and to literature, showing that the institution of slavery was abhorrent to every sense of right, and at the time of the adoption of the Constitution was despised by the men whose views best expressed the spirit of the nation. He examined the history of the fugitive slave clause of the Constitution and pointed out that it was not one of the compromises, and averred that the Fugitive Slave Act of 1793 "was not originally suggested by any difficulty or anxiety touching fugitives from labor."

He proceeded to discuss the constitutionality of the act of 1850, and keenly analyzed the measure, pointing out in what respects he conceived it to be contrary to the Constitution. He contended that Congress did not have the power to pass such a measure, but, granting its right to do so, it was bound by a provision of the Constitution to give the fugitive a jury trial. Continuing, he said: "Even if this act could claim any validity or apology under the Constitution, which it cannot, it lacks that essential support in the public conscience of the States where it is to be enforced, which is the life of the law, and without which any law must become a dead letter." In the course of his speech he cited from an original letter of Washington to the collector at Portsmouth, New Hampshire, in regard to a runaway slave belonging to Mrs. Washington, and her wishes in the case. Said Washington: "I do not mean, however, by this request that violent measures should be used, as would excite a mob or riot—which might be the case if she has adherents—or even uneasy sensations in the minds of well-disposed citizens. Rather than either of these should happen, I would forego her services altogether; and the example also, which is of infinite more importance." After reading this citation, Sumner added: "The existing slave act cannot be enforced without violating the precept of Washington. Not merely 'uneasy sensations' among well-disposed persons, but rage, tumult, commotion, mob, riot, violence, death, gush from its fatal, overflowing fountains. Not a case occurs without endangering the public peace."

In this first long oration that he delivered in the Senate, Sumner announced himself as a new foe of slavery with whom its advocates would have seriously to reckon. He spoke with the cogency, diction, and fullness of knowledge of the lawyer, the scholar and historian, while as a moralist his appeal had all the force of conscience. Although Clemens, of Alabama, sneered at the speech of Sumner as the ravings of a maniac who some day might be dangerous, his associates of the South appeared to be more seriously impressed

with the strength of the man who had taken up the cudgels against them. The Northern members warmly congratulated the orator, Hale declaring that he had placed himself "side by side with the first orators of antiquity, and as far ahead of any living American orator as freedom is ahead of slavery." Chase said of the speech: "It will be received as an emphatic protest against the slavish doctrine of finality in legislation which two of the conventions recently held have joined in forcing upon the country." Horace Mann, in a private letter, said: "The 26th of August, 1852, redeemed the 7th of March, 1850." The wisdom of seeking to revive the discussion of slavery in the Senate at this time was questioned by many. Seward evidently shared this feeling and preferred to regard slavery as an issue which was accepted as settled and from the discussion of which no valuable result could be expected to accrue, for he was noticeably absent during the debate. His political aspirations in the campaign pending may have dictated this course, but his feelings were undoubtedly as indicated. William Cullen Bryant appreciated the impracticability of securing a reconsideration of the Fugitive Slave Law and pointed out what he thought to be its certain fate in the words: "I see not the least chance of a repeal or change of the Fugitive Slave Law. Its fate is to fall into disuse. All political organizations to procure its repeal are attempts at an impracticability. We must make it odious and prevent it from being enforced." Bryant was not the only one who was writing at this time in private correspondence, as well as in the public press, deprecations of the agitation of the Fugitive Slave Law. It was very generally felt to be the most unfortunate issue which could be revived and two political conventions held about this time rigorously excluded it as not pertinent to the issues of the campaign.

When Congress closed the Southern men returned to their constituents to assure them that the reopening of the matter by Sumner had been unpopular even with many of his Northern associates. In these reports they could tell

how Mr. Bright, of Indiana, had favored silencing fanaticism and agitators who sought to disturb the compromise measures. They could also report Mr. Pettit, of Indiana, as having with vehemence avowed his chagrin at having lived to hear fall from the lips of a senator who had sworn to support the Constitution the avowal that he disregarded "all such obligations." Not only had Mr. Pettit said this, but he had declared himself ready to cast a vote for a resolution to expel the member should a petition for his expulsion be originated. Turning to Mr. Sumner, he hurled at him the arraignment: "You swore that you would support the Constitution, all and singular, each and every part, from beginning to end; and you now, in the face of your peers, are the first in the Senate to openly declare that you will violate the oath you have taken and the bond of union your ancestors made for you." In thus hinting at expulsion, Pettit was referring to a purpose seriously entertained by the Democratic leaders, who were deterred from taking that action only by the fear that they would not be able to secure the number of votes needed for its passage. They could further report that Mr. Sumner had vindicated his position by referring to the attitude taken by President Jackson in his veto of the United States Bank, and the declaration made by that sturdy fighter that "each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others," and that Mr. Sumner had avowed that he supported the Constitution as he understood it and maintained that the Fugitive Slave act was an open and unmitigated usurpation of that instrument. Upon the whole, the report to the South of the proceedings of the Thirty-second Congress was a very satisfactory one.

CHAPTER X

REPEAL OF THE MISSOURI COMPROMISE

At the time when the country was felicitating itself upon an understanding on the great theme of the times, and when the incumbent of the White House was considered as colorless in regard to sectional sentiment, Douglas, as chairman of the Committee on Territories, was preparing a measure which should have the effect of disclosing upon what fragile grounds the feeling of public security rested. On January 4, 1854, he reported a bill for the organization of a Territorial government for Nebraska, which was a region embraced in the old Louisiana Purchase and was free from slavery by the Missouri Compromise act of 1820. Nebraska at that time contained nearly all the territory now included in the present States of Kansas, Nebraska, the Dakotas, Montana, Colorado, and Wyoming. Its area was four hundred and eighty-five thousand square miles, a territory ten times as large as New York State. It was thirty-three thousand square miles more extensive than the territory of all the free States then in the Union east of the Rocky Mountains. Stephen A. Douglas was an avowed aspirant for the presidency, although he was unpopular in the South. In the convention which nominated Pierce, Douglas had the smallest following from that section of all the candidates, notwithstanding the fact that he had social connections with the South and had married a Southern woman. On the other hand he was very popular in the West and was

not without substantial following in New York. Elsewhere in the Middle States and New England he was without strength. The "solid South" had come to be a fact to be reckoned with in political calculations and it would not be strange if Douglas had been governed by that consideration in an act which was in effect a political peace offering to the Southern States. The organization of new Territories opened up a field of political activity for the ambitious statesman which might be handled with good purpose for his own political ends. At the previous session of Congress the bill had come before the Senate but had not received the endorsement of that body because some clauses were thought to be unfair to the Indians. In 1853 it was referred to the Committee on Territories. One section of the bill, following the language which was employed in the compact of 1850 with reference to Utah and New Mexico, provided that when Nebraska should come into the Union it should be with or without slavery, as its constitution might prescribe.

In introducing the measure, Douglas remarked that "a proper sense of patriotic duty enjoins the propriety and necessity of a strict adherence to the principles, and even a literal adoption of the enactments, of the adjustment of 1850." When Douglas introduced the measure the country apparently was entering upon a time of financial prosperity. Even the agitation caused by the enforcement of the Fugitive Slave law was no longer visible, and for the first time in many years the vexed question between North and South was not uppermost in the minds of the sections. The wish of Clay for reconciliation seemed to have been realized to the fullest; the land was at peace. The president in his message had remarked upon the fact of there being "a sense of repose and security to the public mind throughout the confederacy." But suddenly from the Senate there sounded forth the call to arms. Was Douglas merely influenced by ambition, or was it his realization that the people were staking their faith in a false confidence which

at some time must be shattered that caused him to renew agitation of the slavery question? Some said it was his indiscreet and hasty ambition, others declared that his object "was to get the inside track in the South." Douglas never himself gave a satisfactory statement of the influences which moved him, but he did admit "that his party, in the election of Pierce, had consumed all its power, and therefore, without a deep-reaching agitation, it would have no more ammunition for its artillery." In preparing his bill, he consulted with no Southern men, at least not until he had shown it to some Western senators, although it has been said that Toombs and Stephens had much to do with bringing about his action.

It was natural that all sorts of speculation as to the source and meaning of the bill, charges of pollution and plots, should be advanced in the heat of a sentiment which rapidly inflamed throughout the North and expressed itself in the press of the Northern centres. One journal declared that the bill was a "proposition to turn the Missouri Compromise into a juggle and a cheat." On January 16th, Dixon, a Whig senator from Kentucky, gave notice of an amendment to the bill which would effectually repeal that part of the Missouri Compromise which restricted slavery in the Territory. Douglas personally remonstrated with Dixon, who replied that "he offered his amendment as a true friend of the compromise of 1850, for, in his view, unless the Missouri Compromise were expressly repealed, it would continue to operate in the Territory of Nebraska, and, while the bill of Douglas affirmed the principle of non-intervention, the amendment which he proposed was necessary to carry it legitimately into effect." On January 23d Douglas offered a substitute bill from his committee, providing for the establishment of two Territories, one to be called Nebraska and the other Kansas. By this, the Kansas-Nebraska Bill, the provision of the Missouri Act, which gave a free status to territory north of the parallel thirty-six degrees and thirty minutes, was pronounced void, and slavery

and freedom were given equal chance to secure the ascendency. The purpose of Douglas in proposing a division of the Nebraska Territory, as stated by himself, was to make one slave and one free State. Throughout the new Territories and the new States to be formed from them, the local dwellers should have the right through their representatives to decide. Cases involving title to slaves and personal freedom should be adjudicated by the local courts, with the right of appeal to the Supreme Court of the United States, and the Fugitive Slave Law should be respected. Such was the new doctrine of non-intervention. This measure was acceptable to President Pierce, who is thought to have given to Douglas prior assurance of his support. Jefferson Davis, the secretary of war, was the president's go-between with the Territorial committee, but Marcy, secretary of state, was not in sympathy with the proposals of Douglas.

In the summer of 1853 a movement was begun in western Missouri which had as its purpose the making of Nebraska slave territory. In the western part of Missouri there were fifty thousand slaves and the interests of their owners dictated that the contiguous territory should be devoted to slavery. The Missouri border abounded in adventurous spirits who were ready for any bold enterprise. Senator Atchison was an avowed advocate of forcing slavery into Nebraska. Such were the influences at work to fortify Douglas in his action. Members upon the floor of the House did not hesitate openly to declare the purpose of the promoters of the Douglas bill to be to make Kansas a slave State.

On Tuesday, the 24th of January, the Washington *Union* had an editorial inspired by a conference between the president and Jefferson Davis with regard to the measure. This paper, which was the organ of the president, expressed the following sentiments: "We cannot but regard the policy of the administration as directly involved in the question. That policy looks to fidelity to the compromise of 1850 as

an essential requisite in Democratic orthodoxy. The proposition of Mr. Douglas is a practical execution of the principles of that compromise, and, therefore, cannot but be regarded by the administration as a test of Democratic orthodoxy. The union of the Democracy on this proposition will dissipate forever the charge of Free-soil sympathies so recklessly and pertinaciously urged against the administration by our Whig opponents; while it will take from disaffection in our ranks the last vestige of a pretext for its opposition." On this same day was published the *Appeal of the Independent Democrats in Congress to the People of the United States*. The paper was written by Samuel Chase, from a draft made by Giddings, with the aid of Sumner and Gerrit Smith, and bore the signatures of these men as well as those of Edward Wade and Alexander De Witt, representatives from Ohio and Massachusetts. All the signers were Free-soilers. It was marked by faithfulness to historical fact in its review of the questions involved in the issue of the pending bill and was forceful in its reasoning, although intemperately expressed. The appeal began with the declaration that the indorsement of the Kansas-Nebraska Bill would open to slavery the doors of all the unorganized territory of the Union. It then stated the history of the Missouri Compromise, and that compact was declared to have been universally recognized as inviolable American law. The proposition to abrogate it was characterized as "a bold scheme against American liberty worthy of an accomplished architect of ruin. . . . Shall a plot against humanity and democracy so monstrous, and so dangerous to the interest of liberty throughout the world, be permitted to succeed? We appeal to the people. We warn you that the dearest interests of freedom and the Union are in imminent peril. . . . Let all protest, earnestly and emphatically, by correspondence, through the press, by memorials, by resolutions of public meetings and legislative bodies, and in whatever other mode may seem expedient, against this enormous crime." In a postscript

was added an appeal against the substitute bill of January 23d: "This amendment is a manifest falsification of the truth of history. . . . Not a man in Congress, or out of Congress, in 1850, pretended that the compromise measures would repeal the Missouri prohibition. Mr. Douglas himself never advanced such a pretence until this session. His own Nebraska Bill, of last session, rejected it. It is a sheer afterthought. To declare the prohibition inoperative may, indeed, have effect in law as a repeal, but it is a most discreditable way of reaching the object. Will the people permit their dearest interests to be thus made the mere hazards of a presidential game, and destroyed by false facts and false inferences?" This appeal was published broadcast throughout the free States and the journals of the North and stirred them to even more vigorous denunciations of the Kansas-Nebraska Bill. Criticising the bill and its author in unmeasured terms, they at the same time appealed to the friends of liberty not to permit an "infamous plot" to be consummated. Prophetic, indeed, were the words of the New York *Evening Post* on February 3, 1854, in which it declared that if the politicians at Washington doubted the trend of public opinion, they had but to put their ears to the ground to "hear the roar of the tide coming in."

On the 30th of January, Douglas spoke in favor of the Kansas-Nebraska bill. The orator was indignant, and it was immediately evident that his disaffection was caused by the *Appeal of the Independent Democrats* and the thunders of protest it had awakened. He had, he declared, deferring to Chase and Sumner, postponed the consideration of the bill for six days, and now it was evident that these men had asked the time in order that their *Appeal* might be framed and sent out in the meanwhile. He declared that the address grossly misrepresented the bill, and proceeded to make a plea in favor of his bill. That speech was in substance as follows: That, when New Mexico and California were acquired, logical adherence to the Missouri Compromise

demanded the extension of the line to the ocean at that time. He affirmed that in 1848, upon his motion, the Senate had adopted such a provision, but a coalition of Northern members with Free-soil proclivities had defeated it. He pointed out that this refusal to extend the Missouri Compromise line had given rise to a furious slavery agitation, which had culminated in the adoption of the Compromise of 1850. He declared that, by the series of acts embraced in that measure, the principle was established of "Congressional non-intervention as to slavery in the Territories; that the people of the Territories . . . were to be allowed to do as they please upon the subject of slavery, subject only to the provisions of the Constitution." He further declared that, notwithstanding the fact that the Territorial bills embraced in the Compromise of 1850 covered only the Territories specified, they nevertheless abrogated the Missouri Compromise line in all territory not covered by those bills. Said he: "We all know that the object of the compromise measures of 1850 was to establish certain great principles, which would avoid the slavery agitation in all time to come. Was it our object simply to provide for a temporary evil? Was it our object just to heal over an old sore and leave it to break out again? Was it our object to adopt a mere miserable expedient to apply to that Territory, and that alone, and leave ourselves entirely at sea, without compass, when new territory was acquired or new Territorial organizations were to be made? Was that the object for which the eminent and venerable senator from Kentucky (Clay) came here and sacrificed even his last energies upon the altar of his country? Was that the object for which Webster, Clay, and Cass, and all the patriots of that day, struggled so long and so strenuously? Was it merely the application of a temporary expedient in agreeing to stand by past and dead legislation that the Baltimore platform pledged us to sustain the Compromise of 1850? Was it the understanding of the Whig party when they adopted the compromise measures of 1850 as an article of political faith, that

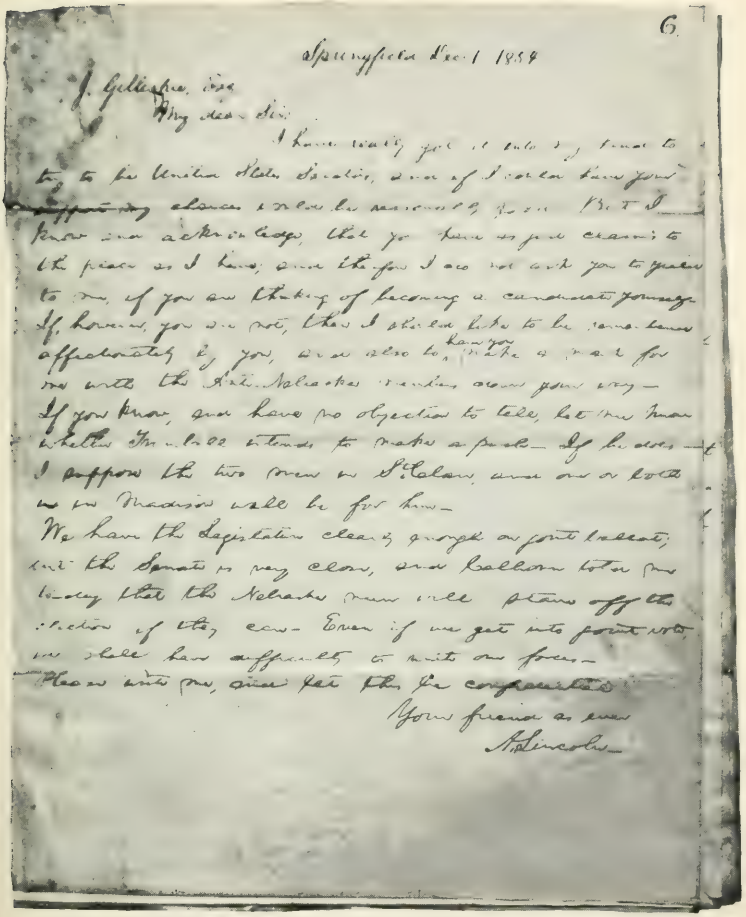
they were only agreeing to that which was past and had no reference to the future?" He went on to assert that the legislation of 1850 had established a principle,—that of Congressional non-interference with slavery,—and that when the two parties in their conventions pledged themselves to the compromise measures, they bound themselves to carry out that principle. Now, said he, in effect, it becomes necessary to organize the Territory of Nebraska. The Missouri Compromise is inconsistent with this later principle and should have no place in it. "The legal effect of this bill," continued Douglas, "is neither to legislate slavery into these Territories nor out of them, but to leave the people to do as they please. . . . If they wish slavery, they have a right to it. If they do not want it, they will not have it, and you should not force it upon them." In an earnest manner, he declared: "I do not wish to deal in any equivocal language. If the principle is right, let it be avowed and maintained. If it is wrong, let it be repudiated. Let all this quibbling about the Missouri Compromise . . . be cast behind you; for the simple question is, will you allow the people to legislate for themselves upon the question of slavery? Why should you not?" For the benefit of those whom he derisively styled "tenderfoot Democrats," he declared with vehemence that it was worse than folly to think of Nebraska being a slaveholding country. He declared that the tornado of public condemnation had been raised solely by the Abolitionists.

This defence was immediately responded to by Senator Chase in a vigorous speech, and then, on the 3d of February, Chase in another speech against the bill, put himself on record as an orator of ability and an ardent anti-slavery legislator. In regard to the bill under discussion he moved to strike out so much of it as related to the suspension of the Missouri Compromise. He affirmed that the idea of the compromise measures of 1820 being superseded by the compromise measure of 1850 was an afterthought, forced upon Douglas by the exigency of his position. He insisted

upon the Douglas doctrine of non-intervention. He declared that the statement that the Missouri Compromise was superseded by the principles of the compromise measure of 1850 was not a statement of fact and was without foundation in history. Continuing his arraignment of this doctrine, he declared that it was "a novel idea." At the time when these measures were before Congress in 1850, when the questions involved in them were discussed from day to day, from week to week, and from month to month, in this Senate Chamber, who ever heard that the Missouri prohibition was to be superseded? What man, at what time, in what speech, ever suggested the idea that the acts of that year were to affect the Missouri Compromise? . . . Did Henry Clay, in the report made by him as chairman of the committee of thirteen, or in any speech in support of the compromise acts, or in any conversation, in the committee or out of the committee, ever even hint at this doctrine of supersedure? Did any supporter or any opponent of the compromise acts ever vindicate or condemn them upon the ground that the Missouri prohibition would be affected by them? Well, sir, the compromise acts were passed. They were denounced North and they were denounced South. Did any defender of them at the South ever justify his support of them upon the ground that the South had obtained through them the repeal of the Missouri prohibition? Did any objector to them at the North ever even suggest, as a ground of condemnation, that that prohibition was swept away by them? No, sir! No man, North or South, during the whole of the discussion of those acts here, or in that other discussion which followed their enactment throughout the country, ever intimated any such opinion." Chase revealed the relations of the South to the Compromise. He said: "A large majority of Southern senators voted for it; a majority of Southern representatives voted for it. It was approved by all the Southern members of the Cabinet, and received the sanction of a Southern president. The compact was embodied in a

single bill containing reciprocal provisions. The admission of Missouri with slavery, and the understanding that slavery should not be prohibited by Congress south of thirty-six degrees thirty minutes, were the considerations of the perpetual prohibition north of that line. And that prohibition was the consideration of the admission and the understanding. The slave States received a large share of the consideration coming to them, paid in hand. Missouri was admitted without restriction by the act itself. Every other part of the compact, on the part of the free States, has been fulfilled to the letter. No part of the compact on the part of the slave States has been fulfilled at all, except in the admission of Iowa and the organization of Minnesota; and now the slave States propose to break up the compact without the consent and against the will of the free States."

On February 6th, Senator Wade addressed the body in opposition to the bill, maintaining that the introduction of slavery into a Territory was equivalent to the exclusion of free labor. He represented the Compromise of 1820 as having the nature of a contract and for the nation to break its agreement could not fail to bring on a strife between slavery and freedom. Said he, should such a strife be precipitated, "it will not be liberty that will die in the nineteenth century. . . . You may call me an Abolitionist, if you will. I care little for that; for, if an undying hatred to slavery constitutes an Abolitionist, I am that Abolitionist. If man's determination, at all times and at all hazards, to the last extremity, to resist the extension of slavery, or any other tyranny, constitutes an Abolitionist, I, before God, believe myself to be that Abolitionist." Wade was an Ohio man and represented the undisguised sentiments of many of his State. While his speech has not been preserved as one of remarkable worth, the senator made one point which exactly defined the attitude of the opponents of the bill. Senator Badger, of North Carolina, had asked: "If a Southern gentleman wishes to take his old colored Mammy into one of these new Territories, why, in the name of God,



6

Springfield Dec. 1 1854

J. Gillespie, Esq

My dear Sir

I have really got it into my head to be a candidate for United States Senator, even if I could have your support my chances would be measurably good. But I know your ambition, that you have as good claim to the place as I have, even tho you do not wish to yield to me, if you are thinking of becoming a candidate yourself. If, however, you are not, then I should like to be considered your second choice, and also to have you make a push for me with the Fillmore men, down your way—

If you know, and have no objection to tell, let me know whether Mr. Bell intends to make a push—If he does, I suppose the two men in McClean, one or both will be for him—

We have the Legislature clearly enough as to joint ballot, but the Senate is very close, and Kellum tells me he is sure that the Nebraska men will stave off the election if they can—Even if we get into joint vote, we shall have difficulty to unite our forces—

Please write me, when you get this, for consultation

Yours truly as ever

A. Lincoln—

Letter from Lincoln, dated December 1, 1854, concerning election to the Senate. *From the original in the Manuscript Department, Library of Congress.*



should anybody prevent it?" And Wade had answered: "The senator entirely mistakes our position. We have not the least objection, and would oppose no obstacle to the senator's migrating to Kansas and taking his old 'Mammy' along with him. We only insist that he shall not be empowered to sell her after taking her there."

Seward also addressed the Senate upon the current measure, and, although he was not a forceful speaker, his political importance gave dignity to his utterance. It was widely diffused in printed form and had great weight with the country. He was uncertain as to the course of political development and hesitated to frame his sentiments so as to make an irreparable breach between the Northern and Southern Whigs, and in the interests of party harmony he had declined to sign the appeal of the Independent Democrats. In regard to the Missouri Compromise, he declared that had it been known that the Compromise of 1850 would have the effect of nullifying that previous act, it would not have received a single vote from the non-slaveholding States. To the suggestion that only a few slaves would enter into the vast region opened up to slavery, he said: "One slaveholder in a new territory, with access to the executive ear at Washington, exercises more political influence than five hundred free men."

Continuing what Douglas called "Seward's essay against slavery," the senator said: "Slavery is the only subject within the field of national politics which excites any real interest. The old matters which have divided the minds of men . . . have disappeared, leaving the ground to be occupied by a question grander far. The Bank, subtreasury, the distribution of the public lands, are each and all obsolete issues. And now, instead of these superseded questions, which were filled for the most part with the odor of the dollar, the country is directly summoned to consider face to face a cause which is connected with all that is divine in religion, with all that is pure and noble in morals, with all that is truly practical and constitutional in politics.

Unlike the other questions, it is not temporary or local in its character. It belongs to all times and to all countries. Though long kept in check, it now, by your introduction, confronts the people, demanding to be heard. To every man in the land it says with clear, penetrating voice: 'Are you for freedom or are you for slavery?' And every man in the land must answer this question when he votes."

Another son of Massachusetts, Edward Everett, addressed the Senate at length in opposition to the bill. While not a member of Congress at the time of their passage, he had supported the compromise measures of 1850. After making the statement that he had reviewed carefully the voluminous reports relating to the debates of the Congress that passed the measures of 1850, he said: "I do not find a single word from which it appears that any member of either the Senate or House of Representatives at that time believed that the Territorial enactment of 1850, either as a principle, rule, or precedent, or by analogy, or in any other way, was to act retrospectively or prospectively upon any other Territory. On the contrary, I find much, very much, of a broad, distinct, directly opposite bearing." He showed that the principle of non-intervention, as developed by Douglas, was not a part of the Territorial bills of 1850. Said he: "Furthermore, how can you find in a simple measure, applying in terms to these individual Territories, and to them alone, a rule which is to govern all other Territories with a retrospective and with a prospective action? Is it not a mere begging of the question to say that those compromise measures adopted in this specific case amount to such a general rule?" After analyzing the spirit of the compromise measures of 1850, and giving his opinion of the light in which they were undoubtedly understood by their chief supporters, he said: "While I was not a member of Congress and had not heard the debates . . . I inquired of those who had heard them, I read the reports, and I had an opportunity of personal intercourse with some who had taken a prominent part in all of those measures. I never

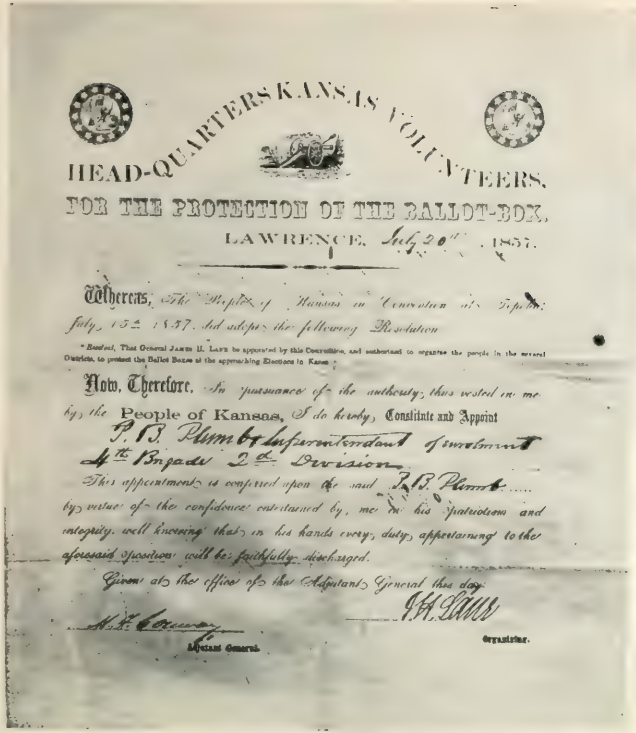
formed the idea—I never received the intimation until I got it from this report of the committee—that those measures were intended to have any effect beyond the Territories of Utah and New Mexico, for which they were enacted. I cannot but think that if it was intended that they should have any larger application, if it was intended that they should furnish the rule which is now supposed, it would have been a fact as notorious as the light of day."

Senator Cass was thought to be wavering upon the question at issue, although there were some who believed that he would oppose the bill and head the opposition. But the bill had been modified in phraseology in some particulars to meet the views of Cass, and his support was secured. As it was finally passed, it read as follows: "which [the Missouri Compromise Act] being inconsistent with the principles of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void, it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." The alteration consisted in the use of the words "being inconsistent with" instead of "was superseded by," and in the explanations given with regard to the intention of the act.

The supporters of the bill were divided into two classes; the section representing the views of Douglas and Cass included the Northern Democrats and most of the Southern Whigs. They favored permitting the Territories to determine for themselves the question of slavery, for or against. The other class, the Southern Democrats, adhered to the doctrine of Calhoun that slaves were property owned under the guarantee of the Constitution and that their owners had the same right to carry them into the new Territories as to transport thither any other form of chattel. The

Southern Democrats were assured in their minds that the restriction of the Missouri Compromise which prohibited slavery in the Nebraska Territory was unconstitutional and would be so decided if the act could be brought before the Supreme Court through a concrete case. Yet to them the Kansas-Nebraska Act represented a speedier settlement of the legality of the question and they were correspondingly elated by the passage of the bill. At the same time they did not relinquish their claim to constitutional privilege. When the Territories should determine the matter as to their status with regard to slavery, the Southern slaveholders would appeal to the higher law of the Constitution if their decision was adverse to the institution of slavery. Chase had pointed out the lack of agreement among the advocates of the Kansas-Nebraska bill and had shown that on account of the diverse sentiments entertained upon the subject fundamental to that measure, it therefore could settle nothing. Douglas on the 3d of March, 1854, closed the debate upon this famous measure, a debate which was participated in by a great many senators, and which while it did not compare in power with that in connection with the compromise measures of 1850 aroused intense excitement throughout the country. March 4, 1854, the bill was passed by a vote of thirty-seven to fourteen. Two amendments had been incorporated into the measure before it was passed,—one offered by Badger, of North Carolina, that the measure should not be construed to revive the old Louisiana law, which protected slavery in the whole of that Territory, and the other offered by Clayton providing that only citizens of the United States should have the right of suffrage and of holding office in the Territories, a provision aimed at emigrants from Europe who might settle there.

The measure had excited the most pronounced opposition on the part of the Northern clergymen and, when a memorial prepared by New England ministers was presented by Senator Everett, a memorial having three thousand signatures, Douglas swept it aside with the comment: "It is



HEAD-QUARTERS KANSAS VOLUNTEERS.

FOR THE PROTECTION OF THE BALLOT-BOX.

LAWRENCE, July 20th, 1857.

Whereas, The People of Kansas in Convention at Topeka, July 15th 1857, did adopt the following Resolution

"Resolved, That General James H. Lane be appointed by this Convention, and authorized to organize the people in the several Districts, to protect the Ballot Boxes at the approaching Elections in Kansas."

Now, Therefore, In pursuance of the authority thus vested in me by the People of Kansas, I do hereby, Constitute and Appoint

P. B. Plumb of Superintendant of Enrolment 4th Brigade 2d Division

This appointment is conferred upon the said P. B. Plumb by virtue of the confidence entertained by me in his patriotism and integrity, well knowing that in his hands every duty appertaining to the aforesaid position will be faithfully discharged.

Given at the office of the Adjutant General this day

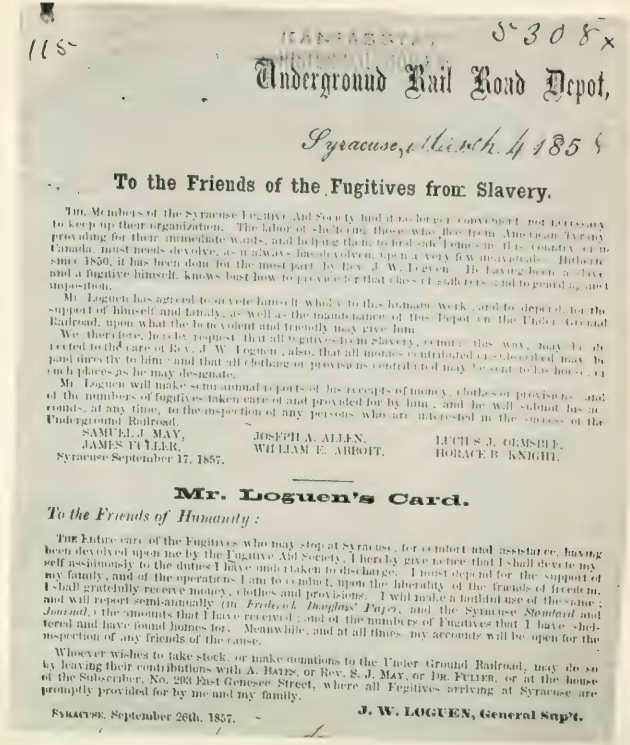
J. H. Lane

Organizer.

M. F. Conway

Adjutant General.

Commission issued to the Kansas Volunteers for the Protection of the Ballot Box.



KANSAS. S 308 x

Underground Rail Road Depot,

Syracuse, March 4 1854

To the Friends of the Fugitives from Slavery.

The Members of the Syracuse Fugitive Aid Society find it no longer convenient and necessary to keep up their organization. The labor of sheltering those who flee from American Slavery providing for their immediate wants, and helping them to find safe homes in this country or in Canada, must needs devolve, as it always has devolved, upon a very few individuals. Hitherto since 1850, it has been done for the most part by Rev. J. W. Loguen. He having been a slave and a fugitive himself, knows best how to provide for that class of suffering and to grapple against opposition.

Mr. Loguen has agreed to devote himself wholly to this humane work, and to depend, for the support of himself and family, as well as the maintenance of this Depot on the Underground Railroad, upon what the benevolent and friendly may give him.

We therefore, hereby request that all fugitives from Slavery, coming this way, may be directed to the care of Rev. J. W. Loguen, also, that all moneys contributed or subscribed may be paid directly to him; and that all clothing or provisions contributed may be sent to his house, or such places as he may designate.

Mr. Loguen will make semi-annual reports of his receipts of money, clothes or provisions, and of the numbers of fugitives taken care of and provided for by him, and he will submit his accounts, at any time, to the inspection of any persons who are interested in the success of the Underground Railroad.

SAMUEL J. MAY, JOSEPH A. ALLEN, LUCIUS J. GRMSBEE,
JAMES FULLER, WILLIAM E. ABBOTT, HORACE B. KNIGHT.

Syracuse September 17, 1857.

Mr. Loguen's Card.

To the Friends of Humanity:

The Entire care of the Fugitives who may stop at Syracuse, for comfort and assistance, having been devolved upon me by the Fugitive Aid Society, I hereby give notice that I shall devote myself assiduously to the duties I have undertaken to discharge. I must depend for the support of my family, and of the operations I am to conduct, upon the liberality of the friends of freedom, I shall gratefully receive money, clothes and provisions. I will make a faithful use of these sums; and will report semi-annually (in *Frederick Douglass' Paper*, and the Syracuse *Standard* and *Journal*,) the amounts that I have received, and of the numbers of Fugitives that I have sheltered and have found homes for. Meanwhile, and at all times, my accounts will be open for the inspection of any friends of the cause.

Whoever wishes to take stock, or make donations to the Under Ground Railroad, may do so by leaving their contributions with A. BATES, or Rev. S. J. MAY, or DR. FULLER, or at the house of the Subscriber, No. 293 East Genesee Street, where all Fugitives arriving at Syracuse are promptly provided for by me and my family.

SYRACUSE, September 26th, 1857. **J. W. LOGUEN, General Sup't.**

Circular of the Underground Railroad.

Both in possession of the Kansas State Historical Society.

presented by a denomination of men calling themselves preachers of the Gospel, who have come forward with an atrocious falsehood and an atrocious calumny against the Senate, desecrated the pulpit, and prostituted the sacred desk to the miserable and corrupting influence of party politics." Again he said: "I doubt whether there is a body of men in America who combine so much profound ignorance on the question upon which they attempt to enlighten the Senate as this same body of preachers." The expressions of Senator Mason were not different. "Of all others they are the most encroaching and, as a body, arrogant class of men." Senator Butler declared that "when the clergy quit the province assigned them, . . . going about as agitators . . . they divest themselves of all the respect that I can give them." Senator Adams declared that "when they depart from their high vocation and come down to mingle in the turbid pool of politics I would treat them just as I would other citizens." Senator Pettit declared from a similar text: "that the waters of the pools of politics are infinitely more pellucid and pure and cheering and refreshing than the pool which surrounds their stagnant waters of theology."

The bill was opposed by such newspaper editors as Greeley and Dana, of the New York *Tribune;* Bryant and Bigelow, of the *Evening Post;* Raymond, of the *Times;* Webb, of the *Courier and Inquirer;* Bowles, of the Springfield *Republican;* Thurlow Weed, of the Albany *Journal;* Schouler, of the Cincinnati *Gazette.* In many Northern cities public meetings were held to protest against the abrogation of the Missouri Compromise. Northern legislatures passed resolutions in condemnation of the action of the Senate. Ten legislatures of the free States met between January 1, and March 15, 1854, and these all protested against the passage of the Kansas-Nebraska bill. Although the Southern press was not at first united in favoring the bill, yet when the scope of the act came to be thoroughly understood, and it was noted that the friends of Southern

institutions in Congress warmly supported it, the papers of the South almost without exception gave it their support. The Southern legislatures passed resolutions in its favor, although not with the spontaneity shown by the Northern legislatures in their stand against the measure.

The vote analyzed was as follows: The affirmative vote was made up of fourteen Northern Democrats, fourteen Southern Democrats, and nine Southern Whigs; the negative vote consisted of four Northern Democrats, six Northern Whigs, two Free-soilers, one Southern Whig and one Southern Democrat. As the senators left the chamber in the early hours of the 4th of March, their ears were greeted with the boom of cannon at the navy yard, proclaiming the triumph of Douglas's "popular sovereignty." The sound evoked from Chase the comment: "They celebrate a present victory, but the echoes they awake will never rest until slavery itself shall die."

The Senate Kansas-Nebraska Bill came up in the House on the 21st of March and on the motion of Cutting, of New York City, was referred to the Committee of the Whole on the state of the Union. Richardson protested against this disposition of the bill on the ground that it would be killed by indirection, and asked that it be intrusted to the Committee on Territories, but the motion prevailed by a vote of one hundred and ten to ninety-five. This action was regarded as tantamount to a defeat by the friends of the measure, and Breckinridge, of Kentucky, said that the motion of Cutting so to refer the bill had been taken "under the guise of friendship to the bill and it was the act of a man who throws his arm in apparently friendly embrace around another, saying: 'How is it with thee, brother?' and at the same time covertly stabs him to the heart." Many thought that the bill was doomed at this session, but others felt sure that it would not be disposed of so readily. Nevertheless, in the course of legislation it could not have been brought up again for the reason that it was by reference placed at the foot of the calendar with fifty bills ahead

of it. Douglas saw that he must secure the influence of the administration to preserve the life of the measure. But Marcy, the secretary of state, who of all the Cabinet had most influence with the House, was indifferent to his ambitions. The personal attitude of Pierce upon the measure was undetermined and vacillating. The morning after the reference of the bill to the Committee of the Whole the Washington *Union*, which was the administration's organ, declared that if the bill were defeated in the House it would be tantamount to a defeat of the administration. Only Marcy and McClellan of the members of the Cabinet failed to display interest in the passage of the measure. Douglas frankly avowed his purpose to have all other bills laid aside to make way for the Kansas-Nebraska Bill and active filibustering ensued. All kinds of dilatory motions were made by those who best understood the rules of the House in order to obstruct the calling up of this particular measure in advance of its position on the calendar. The debate and contest for points continued throughout Thursday, May 11th, all Thursday night, and all day Friday. One party sought to wear the other out, but Douglas was ever on the floor, alert and purposeful, directing his followers. At eleven o'clock on Friday night a motion to adjourn was made. The members were in a highly wrought state, so that it was feared that something might occur to precipitate an unfortunate scene. The friends of the measure were willing to have the House adjourn until the morrow, but its opponents desired a recess until the following Monday. A disorderly tumult ensued, during which Edmondson, of Virginia, drew his revolver. He was not the only member whose excitement carried him to the point of violence. The Speaker put the motion to adjourn until Saturday, which was carried and served to relax the dangerous tension.

On the next day, Saturday, the 13th, nothing was done, but that date witnessed a mass meeting of five thousand persons in New York City to protest against the bill pending in Congress. On Monday, the 15th, Richardson proposed

that the whole week should be devoted to debate. This proposition was acted upon and by a two-thirds vote the close of the debate was fixed for the following Saturday. During the intervening days the debate was not marked by noteworthy occurrence. On Saturday, the 20th, the House met at nine o'clock and closed at twelve. On Monday, May 22, 1854, the House met, and immediately great excitement ensued, and only by the skilful management of Richardson and the resourcefulness of Douglas a vote was reached by midnight. The bill was passed by one hundred and thirteen yeas to one hundred nays. The analysis of the vote is as follows: Forty-four Northern and fifty-seven Southern Democrats and twelve Southern Whigs voted for the bill; while forty-two Northern and two Southern Democrats, four Abolitionists, and forty-five Northern and seven Southern Whigs voted against it.

The House had left out one of the Senate amendments, so that the bill had to be referred back to the Senate, where it was ordered to a third reading by a vote of thirty-five to thirteen and passed the Senate on May 25, 1854. Five days later it received the approval of the president and became a law. The immediate effect of the passage of the bill, which never could have secured the requisite vote without the aid of Southern Whigs, was to divide that party. The Northern Whigs caught up the sentiment: "Repudiate such fraternity; throw old party considerations to the winds, and appeal to the honest people of the free States, without distinction of politics." The Kansas-Nebraska Bill became the touchstone of sectionalism and rapidly were formed those affinities which were to result not only in a new alignment of political parties, but in the drawing hard and fast, as a sectional boundary, the Mason and Dixon line. Whether or not the Civil War would have occurred had the Missouri Compromise remained a firm compact between the slaveholding and the non-slaveholding States, no man may certainly know; but that its abrogation precipitated, or at least made inevitable, that conflict, history amply testifies.

So intense was the animosity against Douglas as the author of the obnoxious measure, that he himself avers that he could travel "from Boston to Chicago by the light of his own effigies." Horace Bushnell, the noted Congregationalist minister of Hartford, applied to Douglas the bitter prophecy of the Hebrew prophet: "Tidings out of the East and out of the North shall trouble him; therefore, he shall go forth with fury to destroy and utterly to make away many, yet shall he come to his end, and none shall help him." But, if the North execrated Douglas, the South canonized him. Never was there a measure passed by the National Assembly that awakened such widespread exultation, such general acclaim. There were some exceptions to this rejoicing, notably in Louisiana and Texas. General Houston declared that "The people of the South care nothing for it. It is the worst thing for the South that has ever transpired since the Union was first formed."

CHAPTER XI

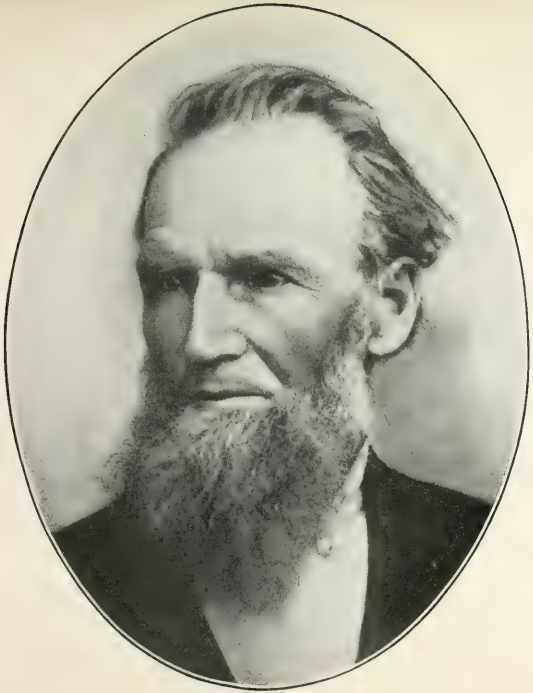
THE FUGITIVE SLAVE LAW UNDER FIRE

While Congress was at war over the repeal of the Missouri Compromise Act, the country was experiencing further effects of the workings of the Fugitive Slave Law. As summer approached, New York, Syracuse and other Northern cities witnessed the arrest of fugitive slaves, but the case which created the greatest ferment of excitement occurred in Boston. Immediately after the repeal of the Missouri Compromise, Charles F. Suttle, a Virginia slaveholder, applied to Edward G. Loring, of Boston, for a warrant under the Fugitive Slave Act for the seizure of Anthony Burns. The negro had escaped from Virginia and had betrayed his whereabouts by means of a letter. Suttle tried to persuade Burns to go back to his master, but as the negro refused, the slave hunter applied for permission to force him. The situation was made acute by reason of the fact that it was Boston anniversary week and the population of the city was augmented by numbers of the clergy and laity who had come to attend the meetings. But interest in the Burns case made them lose sight of all other concerns. It was sufficient for these Northern men that a negro was to be remanded to slavery by the laws of the commonwealth of Massachusetts. The issue was sharp and decisive. The law of the United States clashed with the highly wrought consciences of the men who had been aroused by the fiery appeals of the abolitionists. In Faneuil

Hall, Wendell Phillips and Theodore Parker, by all their powers of oratory, kept the wrath and excitement of the populace at fever heat, and with greater effect than the sinister threat of the bayonet and the cannon. On Sunday, Theodore Parker rose in the pulpit to preach the doctrine of the right of resistance, and the old Puritan city was torn asunder by the opposing appeals to its conscience and its duty. But no doubt was in the mind of the strenuous Parker, no doubt in the mind of Wendell Phillips. To these men the constitutions of social order were as nothing if they were contrary to the constitution of the kingdom of God and the kingdom of the human heart.

During the night following the arrest of Burns a riot broke out, and a company of marines from the Charlestown navy yard and a detachment of the State militia had been called out to quell it. So went a week. Meanwhile Burns was confined within the court house. Several attempts at rescue were made, but none were successful; but in an attempt to batter in the door of the court house with a piece of heavy timber, a mêlée ensued and one of the marshal's guard was killed. None of these attempts had the support of the leaders in the moral protest.

When on June 2d Judge Loring rendered the decision that Burns must be returned to slavery, the country was in a state of excitement such as had not been witnessed over a slave recovery case since the rendition of Sims. When it became known that the man was to be sent out of the State, the citizens gave every evidence of their indignation and sorrow. Private buildings were draped in black, and the United States flags were displayed with the union down. Guarded by armed police and the military force, Burns was hurried through the massed people to the revenue cutter *Morris*. Added impressiveness was given to the scene by an incident that occurred at the moment when Burns was conducted from the wharf to the ship. A Boston clergyman lifted up his hands, with the words: "Let us pray." "Instantly, as by common impulse," says one who witnessed



Rev. Pardee Butler.



Gerrit Smith.

From photographs in possession of the Kansas State Historical Society.

the scene, "entire silence came over us, and this stranger poured forth a prayer that sunk deep into our hearts. He called on God, as our helper and as the giver of peace, to look upon us in our distress. He prayed for the poor slave and for the recreant republic. It is impossible to give any just idea of the effect produced upon us. Under the Divine influence, as I believe it to have been, one at least gained exceeding peace, and a determination that no slave hunter should tread quietly the soil of Massachusetts."

The effect of the capture and return to his owner of Burns was at once evident. Hardly had the wake of the *Morris* been obliterated in the waters of Boston Bay, when the State legislature was busy with the framing of a personal liberty bill, a proceeding which was followed by other Northern States. That of Massachusetts was typical of the rest. It forbade aid to be extended by State officials for the recovery of fugitive slaves. It also denied the services of State troops and State buildings in executing the Fugitive Slave Act; it provided counsel for the arrested negro, and imposed penalties on the slave hunter who failed to substantiate his claims.

Loring, who held the State office of probate judge for Suffolk County, in addition to being United States commissioner, and who had handed down the decision in the Burns case, was forced by public indignation from his State office, the people being determined that their judges should not serve another master who impelled them to deeds deemed iniquitous by the people of Massachusetts.

Other cases of slave rendition occurred during the succeeding months of 1854 and during 1855. In that year the Fugitive Slave Act was bitterly attacked in Congress. In the spring of 1854, the people of Racine, Wisconsin, were excited over the apprehension of a negro named Joshua Glover, who was seized in that city and placed in prison. A party of rescue was organized, the prison doors were forced, and Glover was carried out of the State and sent to Canada. This rescue was made the occasion of a decision

of the judicial tribunals of Wisconsin to the effect that the Fugitive Slave Act was unconstitutional. This opinion excited widespread interest in the country. It stood alone, however, and was not supported by similar decisions of any other State court.

In July, 1855, a case occurred in Philadelphia which had about it circumstances of more than ordinary interest. John H. Wheeler, of North Carolina, United States minister to Nicaragua, passed through the Quaker City with three persons whom he claimed as slaves, a woman and two children. By judicial decision these persons having been brought into a free State, were free. Accordingly, a representative of the Pennsylvania Abolition Society named Williamson boarded the boat and informed the woman and her children that they were no longer slaves. This person in the act of conducting them ashore, was interfered with by Wheeler, who seized the slave woman to prevent her landing. The abolition agent, however, succeeded in getting her ashore, whereupon Wheeler applied for a writ of *habeas corpus* against the abolition agent for the production of the woman and her children. Judge Kane decided that the rescue of the slaves was an act of abduction. The abolition agent declined to produce the slaves, and was committed for contempt of court. He thereupon applied to the Supreme Court of Pennsylvania for relief. The agent, through his attorneys, took the ground that the persons rescued were not fugitives, but being brought upon free soil by the man claiming them as master, they became free by virtue of the law. The commitment for contempt was declared by the agent's attorneys to be "arbitrary, illegal and utterly null and void." In the plea, Williamson rested his case upon his construction of the Pennsylvania law, and demanded to be restored to his liberty. A majority of the court, however, denied the validity of the plea, declaring that the petitioner "carries the key of his prison in his own pocket. He can come out when he will by making terms with the court that sent

him there. But if he choose to struggle for a triumph, if nothing will content him but a clean victory or a clean defeat, he cannot expect us to aid him. Our duties are of a widely different kind. They consist in discouraging, as much as in us lies, all such contests with the legal authorities of the country." The opinion of the court was not concurred in by Justice Knox, who maintained that if a slave brought into a free State escaped from the custody of his master while in that State, the right of the master was not a question arising under the Constitution or laws of the United States; and consequently a judge of the United States could not issue a writ of *habeas corpus* directed to the one alleged to withhold the possession of the slave from the master, for such person to produce the body of the slave before the judge. He expressed the further opinion that the action of the court was "the first recorded case where the supreme court of a State has refused the prayer of a citizen for the writ of *habeas corpus*, to inquire into the legality of an imprisonment by a judge of a Federal court for contempt in refusing obedience to a writ void for want of jurisdiction."

Notwithstanding all efforts made in his behalf, Williamson was held in prison. On October 3d the woman, who had escaped with her children, appealed in his behalf through her counsel, and declared that at no time during the transaction of her release from the custody of Wheeler was she or her children in the power or control of Williamson. She prayed that writs taken out by Wheeler to recover her and her children should be quashed and that Williamson should be discharged from prison. The judge to whom the appeal was made supported the view that slaveholders could bring their slaves into a free State and hold them there in bondage. He said: "How can it be that a State may single out this sort of property, among all the rest, and deny to it the right of passing over its soil,—passing with its owner, parcel of his travelling equipment; as much so as the horse he rides, or his coat, or his carpet-bag?" In his decision, he incidentally intimated that it was Williamson's duty to declare

under oath what had become of the slaves, and whether or not they had passed from under his control. Acting upon this suggestion, early in November, Williamson, at the instance of his counsel, stated that he did not seek to obey the writ by producing the persons, because he believed it was impossible for him to do so. Upon this declaration, he was cleared of the charge of contumacy and discharged by the court.

It was impossible that such cases as those described should not find their echoes in the national legislature. And, indeed, in Congress the resentment awakened by the late rancorous discussions caused by the Kansas-Nebraska Bill was ready enough to fasten upon these signal instances as fortifications for argument and inspiration to efforts for the abrogation of the Fugitive Slave Act. The drift of Northern sentiment and action had alarmed the slaveholders of the South. When the Thirty-third Congress was burdened during its last days by a press of business, these determined to introduce and force through a supplementary Fugitive Slave Act designed to circumvent the unfriendly enactments of Northern legislatures. It was not difficult to find a Northern member to introduce into the Senate a measure with that purpose. This member was Isaac Toucey, of Connecticut. In February he introduced a bill "to protect officers and other persons acting under the authority of the United States." There was nothing in this bill to indicate its direct bearing upon the Fugitive Slave Act. It was one of those measures with whose expressed purpose no one might disagree, but to whose real intent many might take exception.

The discussion which followed the introduction of the measure showed that it was far from being regarded by either friend or foe as being as harmless as its guise indicated. Its supporters welcomed it as an aggressive measure, serving to carry out the Fugitive Slave Law beyond the possibility of equivocation on the part of any upon whom its requirements bore. The debate was not extended but

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John Brown.

At the period of the Kansas troubles. At the period of the Harper's Ferry raid.

From photographs in possession of the Kansas State Historical Society.

it served to reveal the purposes of the respective contestants better than the debate of any other session. It marked a distinct stage in the progress of the great slavery conflict. Chase was the first to address the Senate upon the measure. He commented upon the promptness with which the bill was taken up as a fresh proof of the favor in which was held every proposition in behalf of slavery, "no matter with what prejudice to the public business and the public interest." Seward commented upon the irony of the fact that with a bill in his hand for the erection of a monument to Thomas Jefferson he should have sought the recognition of the chair at the same moment as the mover of this new slavery measure. He remarked: "The success which the honorable Senator from Connecticut obtained over me when the floor was assigned to him was ominous. The Senate of the United States will erect no monument to the memory of Jefferson, who declared that, in the unequal contest between slavery and freedom, the Almighty had no attribute which could take part with the oppressor; but the Senate will, on the other hand, promptly comply with the demand to raise another bulwark around the institution of slavery." Chase, point by point, revealed the nature of the measure as interpreted by the North. Said he: "Its object is to secure the stringent execution of the Fugitive Slave Act. . . . It is a bill for the overthrow of State rights,—to establish a great central, consolidated, Federal government,—a step, a stride rather, toward despotism; . . . this further legislation, necessary to the complete humiliation of the States." Wilson, of Massachusetts, participated in the debate and said: "I believe the bill is intended to enforce an unconstitutional and arbitrary law, and for no other purpose whatever, and to prevent, if possible, the influences now at work in the free States for the protection of the liberties of their own citizens."

The supporters of the bill made little attempt to conceal its purpose. Douglas unhesitatingly declared its real intent

and expressed amazement, real or feigned, that anyone should oppose objections to a measure designed to support the laws of the country. The opponents of the measure were facing the problem of seeming disloyal to a proposition which was designed to further the successful operation of a statutory measure. Douglas referred to the objections made to the Fugitive Slave Law on the score of humanity and affirmed that much of this sentiment was the mere froth of overwrought minds and the effervescence of sentimentality. He pointed to the clause of the Constitution which required persons held in service to be delivered up and declared that if one desired to be faithful to the Constitution, he must feel bound by this obligation. In the opinion of Douglas a conscience that was not coördinate with the Constitution was corrupt. Said he: "The moment my conscience will not allow me to be faithful to the Constitution, I will refuse to degrade myself or perjure my soul by coming here, and, for the sake of a seat in the Senate, swearing I will be faithful to the Constitution, when I intend to violate and repudiate it."

The debate was participated in generally and the sentiments of the Southern members confirmed the expressions of Douglas. The speeches referred at length to the course of events in the Northern States with citations of particular cases coming under the Fugitive Slave Law, and the Northern legislatures were denounced for their action in seeking to obstruct the enforcement of national legislation by passing Personal Liberty Laws. The Constitution was held up as the defence of States Rights, and it was charged that the idea of nullification had changed its locality; that South Carolina, the old recalcitrant, "was now taken into the arms and affectionately caressed by Ohio, Vermont, Michigan, Wisconsin, and Connecticut." Said one speaker: "The whole course of Northern legislation for the past few months has been a course of direct war with the South, and the bill now before the Senate is a measure, not of aggression, but of defence." Such were the sentiments of men whose

convictions centred about the rights of slaveholding, men whose consciences were as acute and keen for their rights and privileges as were the consciences of the Free-soil element of the North in behalf of the abstract rights of humanity at large. The Southern slaveholder in fashioning his convictions in harmony with the shaping events of his section, with its traditions, with its institutions, was as sincere in his stand as were any of those persons in the North whose view was to be accounted for not by a better instructed conscience, but by the fact that his conscience never had been brought under the influences which gave to the Southern man his moral point of view. There were many in the North who recognized this fact, who sincerely believed in the worth of Southern character, and who were discerning enough to perceive the necessities of the situation or at least the fashioning forces of destiny which accounted for the fastening of slavery upon the States of the South. Not all were extremists in either section. The radicals on each side of the question claim undue attention at the hands of the historian because of their energetic and vociferous declarations and because radicalism engendered the civil strife. Mr. Bayard, of Delaware, a member of the committee which reported the measure, argued in favor of the bill upon the ground that he "believed the necessity for it had arisen in consequence of the action of several States of the Union, unless we were prepared to abandon the enforcement of the laws of the United States."

The bill could be discussed only in its broad aspects and presented but one view, that of might. Each side pitted its strength for or against the measure with no idea that its merits or demerits could be appealed to to change or modify sentiment. Caleb Cushing, speaking upon the subject of slavery at large, showed how in its industrial, financial, or political relations this subject was at the bottom of all the action of Congress. He quoted John Quincy Adams to the effect that "slavery constitutes the very axle around which the administration of the national government revolves.

All its measures of foreign or domestic policy are but radiations from that centre." He quoted from the slave code of the District of Columbia to show the barbarous nature of slavery, and spoke of the moral influence upon the general government of its attitude of exercising the national authority in behalf of slavery. He commented upon the fact that the slave was forbidden to read the law which condemned him, if guilty of its violation, "to have his hand cut off, be hung, beheaded, and quartered, and to have each fragment of his body hung in the most conspicuous places." This law prescribed as the penalty for stealing five shillings' worth of goods, death without the benefit of clergy; for striking a blow, even in defence of life or chastity, to have his or her ear cropped; and for giving false testimony against a white person, to have "both ears cropt and thirty-nine stripes on the bare back." Cushing alluded to the firing of the cannon north of the Capitol on the night of the repeal of the Missouri Compromise and declared that it heralded the resurrection of liberty "from her inglorious sleep." He declared that "American Democracy is looked upon as a huge, one-eyed, gigantic monster—a modern Polyphemus—sporting the cap of liberty on his head, and mouthing the pæans of victory on his tongue, while he stalks ruthlessly over men and treads them down as worms."

Mr. Jones, of Tennessee, delivered a speech whose theme was the social equality of the races, and he taunted the Northern members by picturing to them the results of the policy for which they stood. Other speakers followed in the same strain, attempting to show, by portraying the unpleasant issues which they conceived to be involved in the Northern attitude, that the Southern members were not only defending their rights, but were protecting the interests of the white race in America by opposing themselves to any measure whose object was the freeing of the negroes. They declared that it was impossible for the black man to become the equal of the white. As impossible as for "wild prairie grass to become timothy or clover, all trees





Pro-slavery flag, carried by the South Carolina Company at Slough Creek, Kansas, in 1856. *From the original in possession of the Kansas State Historical Society.*

mountain oaks," or for "the braying ass to roar like the monarch of the forest," or the "boding owl to gaze on the sun like the proud bird of Jove." Said one speaker who followed this strain of argument: "I hold that, by the written and unwritten law of God and nature, these men, when placed in contact with us, either by design or accident or by fatuity, are to be the inferior race." This, the speaker declared as his solemn judgment, made slavery the proper condition for the black race.

Perhaps no one was more urgent during the afternoon and night which this debate consumed than Benjamin F. Wade. Said he: "In consequence of your action last winter in breaking down the sacred compromise, men in the State of Ohio ceased to be either Whigs, Democrats, or Free-soilers. The old parties crumbled to the dust as though stricken with palsy." After prophesying the early dissolution of parties upon the slavery issue, he addressed himself to the measures taken by Northern legislatures in opposition to the Fugitive Slave Act, and said: "The State of Wisconsin has taught you a lesson, and it is only an incipient step. I envy that State the glory of taking the initiative in the great work of vindicating the Constitution from such a measure as the Fugitive Slave Act. State after State, as they take the subject into consideration, will fall in the wake of noble Wisconsin, and carry out what she has so gloriously begun." Seward spoke eloquently upon the same side of the question and alluded to the protracted session and the approach of the midnight hour with its excitement similar to the scenes attending the passage of the compromise measures of 1850 and the abrogation of the Missouri Compromise in 1854. He predicted a disaster to liberty and suggested that perhaps, "the teeming gun, which proclaimed those former triumphs of slavery, is already planted under the eaves of the capitol to celebrate another victory." Continuing, he said: "The scene before me and all its circumstances and incidents admonish me that the time has come when the Senate of the United States is

about to grant another of those concessions which have become habitual here to the power of slavery in this Republic. For the second time in a period of nearly three months, the brilliant chandelier above our heads is lighted up; the passages and galleries are densely crowded; all the customary forms of legislation are laid aside; the multifarious subjects which have their rise in all parts of this extended country are suddenly forgotten in a concentration of feeling upon a single question of intense interest. The day is spent without adjournment. Senators, foregoing their natural relaxation and refreshment, remain in their seats until midnight approaches." He analyzed the bill and characterized it as a novelty in the laws of the country. He declared that all the trouble about slavery in its latest agitation arose from the Fugitive Slave Act and closed an impressive speech with a serious and vigorously expressed admonition and counsel to his hearers. "If you wish to secure respect to the Federal authority, to cultivate harmony between the States, to secure universal peace, and to create new bonds of perpetual union, there is only one way before you. Instead of adding new penalties, employing new agencies, and inspiring new terrors, you must go back to the point where your mistaken policy began, and conform your Federal laws to *Magna Charta*, to the *Constitution*, and to the rights of man."

Mr. Sumner closed the debate. He reverted to his former address against the Fugitive Slave Act, when to address Congress upon the subject was regarded as untimely. Said he: "On a former occasion, as slavery was about to clutch one of its triumphs I arose to make my final opposition at midnight. It is now the same hour . . . It is hardly an accidental conjunction which thus constantly brings slavery and midnight together." He proceeded to show the unconstitutionality of the Fugitive Slave Act after the manner in which he had formerly dissected it and, with eloquent and fitting words, rebuked the demand of the South to be let alone by tracing the progressive steps by

which that section had obtained ever increasing power over the country by legislation. Taking up the words of the South, he employed them for the North and declared that the North now asked at the hands of the South only to be let alone. He did not ask that the Fugitive Slave Law should be rescinded, he made no plea for the North as against the onerous condition resting upon it through that measure. He merely asked that the legislatures of the Northern States should not be hampered in their handling of that measure within the limits of their undoubted rights by the imposition of a sweeping law whose design was subversive of their liberties. Said he: "Let us alone. Do not involve us in the support of slavery. Hug the viper to your bosoms, if you perversely will, within your own States, until it stings you to a generous remorse, but do not compel us to hug it too; for this, I assure you, we will not do."

Sumner then moved an amendment repealing the Fugitive Slave Law, which received but nine votes. The main bill was then passed by a vote of thirty to nine, although no vote was taken upon it in the House.

CHAPTER XII

REALIGNMENT OF POLITICAL PARTIES

The consummation of the Kansas-Nebraska scheme did more to shake the free States in their sentiments of union than any other occurrence in the history of the nation. The North had accepted the Compromise of 1850 as fixing the conditions of a perpetual union of the States of the two sections, and indeed the South also had accepted that settlement as final. Now was disclosed the fact, startling even to a large part of the South, that when a motive for aggression was offered to the slaveholding States they were ready to push their claims to the farthest limit without regard to the danger to the Union. Northern Whigs, who had favored conciliation were now convinced that the limits of concession had been reached. They were grieved that the Southern Whigs had, by their support, made possible the passage of the obnoxious measure. "Repudiate such fraternity, throw old party considerations to the winds, and appeal to the honest people of the free States, without distinction of parties." This was the sentiment that found favor throughout the North and led the Northern Whigs to make common cause with anti-slavery Democrats, Free-soilers and all others who would fight with them in the common cause of freedom. Upon the common political ground of resistance to slavery these all met. Thus the repeal of the Missouri Compromise cemented Northern opposition and fixed firmly the lines of sectional distinction.

Added to this great cause of irritation in the North were other matters productive of dissatisfaction. These were the marauding enterprises sent out from the South to Cuba and elsewhere, and the Burns and other cases under the Fugitive Slave Law. The state of feeling in the country is illustrated by what occurred in Indiana, May 24 and 25, 1854. In this State a party revolt was threatened, and the Democratic convention secured the passage of a resolution pledging support to the Nebraska bill. The next day the Free-soil Democrats of the State met at Indianapolis and denounced the bill in the strongest terms. Shortly after the passage of the Nebraska bill, members of Congress who had opposed it issued an address setting forth the reasons for their opposition. This declaration contended that the free States had lost "all guarantee for freedom in the territories contained in former compromises; while all the States, both slave and free, had lost the guarantees of harmony and union which those compromises afforded." They also affirmed that this measure looked to the wider extension of slavery in the future, and that the annexation of Cuba and portions of Mexico at any cost of money or blood was included in the slaveholders' programme. They also declared that the slave States wished to cause war against England, France, and Spain in coöperation with Russia, and wanted the United States to effect an alliance with Brazil to extend slavery into the valley of the Amazon. This address was severely criticised by Southern members, especially James C. Jones, of Tennessee, who declared that it was a mass of fiction and wild imaginings.

The project for a fusion of all persons in the North opposed to slavery extension was popular, as that section was prepared for coöperative action on the part of those who gave adherence to similar principles. Men who were diametrically opposed in their views with regard to practical emancipation found themselves in agreement upon the subject of slavery extension. By the 4th of July, Union conventions had been called in Vermont, Ohio, Indiana, Michigan,

Wisconsin, New York, and Pennsylvania. It was at a Michigan anti-Nebraska convention held in Detroit two days after the national holiday that the new fusion party was denominated "Republican." In the second week of July, the Ohio and Wisconsin conventions adopted this name for the new party. On the 16th of August, a convention met at Saratoga, New York, comprising delegates representing all parties in the Empire State which had opposed the repeal of the Missouri Compromise. The convention, without nominating a State ticket, adjourned to meet in September. Among those who took part in this convention were Horace Greeley and John A. King. The Whigs met at Syracuse in September and adopted a platform of principles similar to that of the Saratoga convention, and nominated Myron H. Clark for governor. The anti-Nebraska convention, upon reassembling, endorsed the Whig ticket, and this example was followed the next day by the State Temperance convention at Auburn. Such was the course of political happening in 1854, with the addition of one other political movement, mention of which may be deferred while the activities already sketched are filled out in greater detail.

One by one, the papers of the North had discarded the fellowship of the Southern sections of their parties. Among these was the New York *Evening Post*, which had contributed largely to the election of Franklin Pierce. This journal did much for the development of that popular sentiment which was responsible for the creation of the Republican party. The New York *Tribune* took the lead in this movement, although Greeley had little heart for the contest which was involved, fearing defections such as had so often defeated movements projected in the North in opposition to slavery extension. The representatives of the people having favored the abrogation of the Missouri Compromise, he had little faith that the people themselves would reverse their decision. Nevertheless, the *Tribune* was made the medium for the expression of the views of such men as Richard Hildreth,

the historian, Charles A. Dana, James S. Pike, and other able writers. Greeley himself employed his trenchant pen for the writing of anti-slavery articles. The religious press, led by the New York *Independent*, did much to disseminate the principles of opposition to slavery extension, while anti-slavery journals entered with renewed earnestness into the work of indoctrinating the popular mind with the tenets of anti-slavery. They did not hesitate to declare that so long as a national party had a Southern wing it could not be trusted on any question in which slavery or its interests were involved.

As the fusion sentiment spread throughout the country and organizations for its promotion sprang up, the bond of union between the North and the South became increasingly fragile, and, whatever might result in the South, it was clear that a new political party would be formed in the free States. Thus the Republican party was a development, a growth. It was called into being by the nation's necessities, and to relieve the country from general responsibility for national legislation in the interests of a section. The action of the friends of the new movement in Wisconsin was one of the earliest, if not the earliest, that contemplated definitely the formation of a new party. For that reason it deserves detailed notice. Mr. A. E. Bovey, a prominent member of the Whig party, inaugurated a thorough canvass of the friends of anti-slavery extension, and, after securing a comparison of views among the Whigs, Free-soilers, and Democrats of Fond du Lac County in the early months of 1854, issued a call, in behalf of himself and a representative of the Democrats and a representative of the Free-soilers, for a public meeting, to consider the issues which were assuming such an alarming aspect. This meeting was held in February. The burden of the speeches was the hopeless subserviency of the national parties to the will of the slaveholders and the necessity of abandoning them to construct a new party. A resolution was passed that if the Nebraska bill then pending should be adopted by Congress,

KANSAS STATE HISTORICAL SOCIETY
Topeka

10,65

KANSAS A FREE STATE.

Squatter Sovereignty VINDICATED!

NO WHITE SLAVERY!

The Squatters of Kansas who are favorable to FREEDOM OF SPEECH on all subjects which interest them, and an unmuzzled **PRESS**: who are determined to do their own **THINKING** and **VOTING** independent of **FOREIGN DICTATION**, are requested to assemble in

MASS MEETING

at the time and places following to wit:

The following speakers will be in attendance, who will address you on the important questions now before the people of Kansas.

At Fish's Store	on Monday	September	24th	at	2	o'clock	P. M.	" Lane	Saturday	Oct	6th	at	2	o'clock P. M.
" Fort Scott	" Friday	"	28th	"	1	"	"	" Scott's Town	"	September	29th	"	1	" "
" Stockton's Store, Little Sugar Creek	Sat.	"	29th	"	1	"	"	" Hamilton	Monday	Oct	1st	"	2	" "
" Elijah Parker's, Big "	" Monday	Oct.	1st	"	2	"	"	" Needham H Smith's Store	Tuesday	"	2d	"	2	" "
" Osawatomie,	Tuesday	"	2d	"	1	"	"	" Columbia	Wednesday	"	4th	"	1	" "
" Mr Partridge's, Pottowatomie Creek	Wed.	"	3d	"	2	"	"	" Palmyra	Friday	"	5th	"	2	" "
" Baptist Peora	Thursday	"	4th	"	2	"	"	" Blanton	Sunday	"	6th	"	2	" "
" Springfield	Friday	"	5th	"	2	"	"							

DR. CHAS. ROBINSON,

J. A. Wakefield, C. K. Holliday, M. F. Conway,

W. K. Vail, J. L. Speer, W. A. Ela, Josiah Miller, O. C. Brown, J. K. Goodin, Doct. Gilpatrick, Revs. Mr. Tuton and J. E. Stewart, C. A. Foster, J. P. Fox, H. Bronson, G. W. Brown, A. H. Malley and others.

TURN OUT AND HEAR THEM!

An example of campaign poster used in the slavery contest in Kansas. *From the original in possession of the Kansas State Historical Society at Topeka.*

they would "throw old party organizations to the winds, and organize a new party on the sole issue of the non-extension of slavery." A second meeting was held, on March 20th, for the purpose of organization and for the adoption of such preliminary measures as the inauguration of a new party required. By formal vote the town committees of the Whig and Free-soil parties were dissolved, and a committee of five, consisting of three Whigs, one Free-soiler, and one Democrat, was chosen. "The work done on that evening," says Mr. Bovey, "was fully accepted by the Whig and Free-soil parties of all this section immediately; and very soon—that is to say, in a few months—by those parties throughout the entire State." A State convention was held in July, by which the organization of the party was perfected for the State, a majority of the delegation was secured for the next Congress, and a Free-soiler, Charles Durkee, was elected to the Senate of the United States. At the meeting of March 20th, Mr. Bovey, though stating his belief that the party should and probably would take the name "Republican," advised against such a christening at that time and by that small local body of men. He, however, wrote to the editor of the New York *Tribune*, suggesting the name, giving his reasons therefor, and requesting him, if his views corresponded with his own, to call the attention of his readers to it in the columns of his paper.

The State Convention of the Whig party of Vermont met June 8, 1854. There was an unmistakable sentiment among the delegates for the abandonment of fellowship with the adherents of slavery. The platform which was adopted invited all other States where similar sentiments prevailed to send delegates to a national convention should such be called. A State ticket in harmony with the platform was put in nomination. A mass meeting was called for the 13th of July and resolutions were adopted in conformity with the platform of the convention and a delegation was elected to attend any national convention of the friends of opposition to slavery which might be called.

Similar action was taken in Michigan and Ohio. Immediately after the passage of the Kansas-Nebraska Bill an enthusiastic convention of the Free-soil party was held in Boston, at which addresses were made by Giddings, Hale, and others. The purpose of the convention was expressed by Henry Wilson, who said: "If there is a forlorn hope to be led, we will lead it, and others may take and wear the honors. But we go with none who do not wear our principles upon their foreheads and have them engraved on their hearts." Overtures for union between the Whigs and Democrats in Massachusetts were made by the latter, but for the present the Whigs preferred to maintain their organization intact. But on the 20th of July a convention met in Worcester, an organization was effected, and the name "Republican" adopted. A platform was prepared and received the endorsement of the convention. A State convention of delegates was held at Worcester on the 7th of September. Mr. Wilson, who had received the nomination for governor at the hands of the Free-soil party the previous year, was nominated for governor, and Increase Sumner was nominated for lieutenant-governor. No prominent Whigs or Democrats took part in these conventions, which were mainly composed of Free-soilers. The Whig and Democratic newspapers pronounced fusion a failure and pointed to the composition of the conventions as proof that they were the old Free-soil party masquerading under another name. Failing to enlist the Whigs in the new movement, thousands of anti-slavery men united or coöperated with that organization and joined in the election of members to Congress and the legislature. Their effect upon the legislation of the State was such as to lead Theodore Parker to declare that the Massachusetts legislature of that year was "the strongest anti-slavery body that had ever assembled in the country."

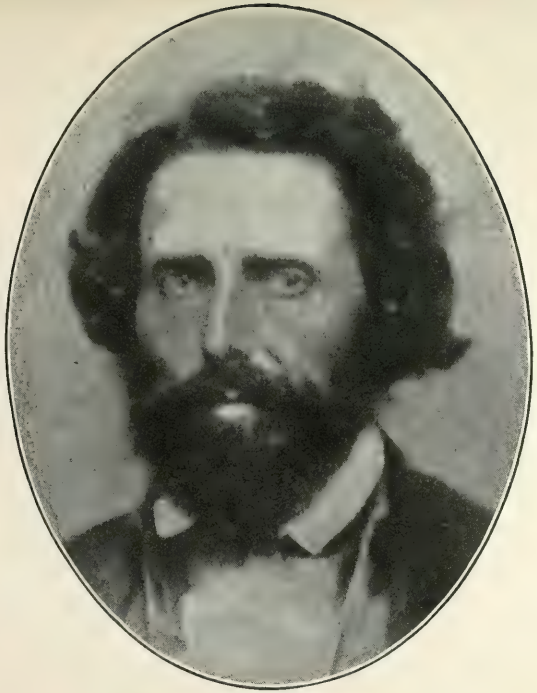
Within a year after the independent movement was started it had pervaded the North and eleven Republican senators were elected and fifteen States had secured majorities

opposed to the action of Congress in the abrogation of the Missouri Compromise. The composition of the House was materially affected, out of one hundred and forty-two Northern members one hundred and twenty were opposed to that action. They were not only in sufficient force to control the election of the Speaker, but to pass a resolution declaring that "in the opinion of this House, the repeal of the Missouri Compromise of 1820, prohibiting slavery north of thirty-six degrees and thirty minutes, was an example of useless and factious agitation of the slavery question, unwise and unjust to the American people." The States which had not organized a Republican party in 1854—the Northern States—did so in 1855. The spontaneous movement of the people of the free States in 1854 and their organization of a new party at first partook of the character of a movement with a specific purpose rather than the organization of a permanent party. In the several States the leadership of the organization fell to the Whigs or to other elements according to which was numerically the most powerful in the fusion party. The temporary combination in 1854 suffered a reaction in 1855, when thousands who had gone into the new party of freedom refused to subscribe to its principles as more definitely expressed. As a consequence, some States which had expressed their allegiance to the new party in 1854 failed to give Republican majorities in 1855. The Republican party in 1855 had become a clearly defined party composed largely of Whigs, but with a liberal contingent from the Democratic party, and in that year it carried the elections in Vermont and Ohio, barely failed in New York and Wisconsin, and gave promise of a great future in other States where it had been late in forming.

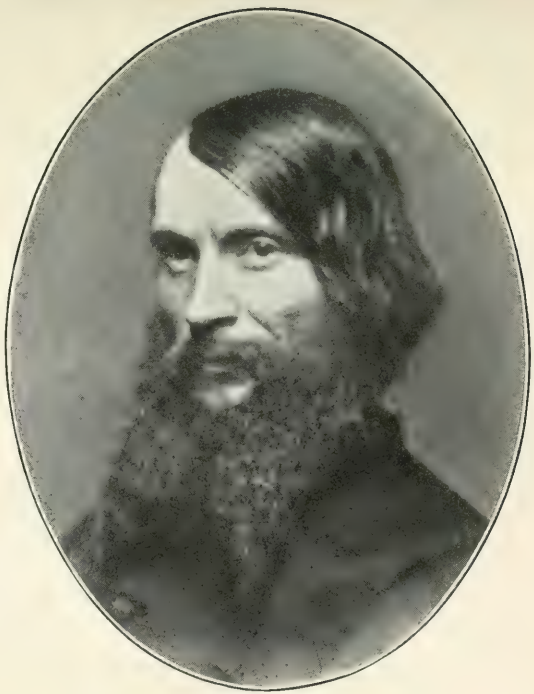
The close of 1855 found the political situation in the country extremely complicated. In the Eastern States there were four parties: the Democrats, the Whigs, the Know-nothings, and the Republicans. The Whigs and Democrats were strongly inclined to union in order to oppose

more effectively a common foe. The Republicans were rapidly gaining in numbers and force. The Know-nothing, or American, party was rapidly trending toward disintegration and absorption into the Republican party. In the West, with the exception of Ohio, which contained a remnant of the Whig party, there were only two parties, the Democratic and the Republican. In the South the American party was at the height of its power, having drawn to itself most of the Whig strength. The latter party had not conceded the fact of its practical extinction, but its members accepted and voted for the candidates of the Know-nothings.

Of this last party something more needs to be said. As the party was so strongly Southern in its intrenchment, a description of its rise may be taken from a Southern work, which says: "The slavery agitation had been productive of a theory of nationality such as had not before been entertained by the people. The sturdy assertion of the doctrine of States' Rights was the answer of the Southern section of the country to the dogma of national supremacy. It is a curious circumstance, however, that coördinately with the sentiment for State sovereignty there was awakened in some of the Southern States—together with the Northern—a feeling of conservative nationalism which found expression in the odd political movement popularly known as Know-nothingism. It is also a singular circumstance that many of the leaders of this movement in Maryland, which was one of its strongholds, thereby became broadened out of their States' Rights attitude, and, when the great conflict was precipitated, abandoned their former position and fought for the preservation of the Union. For a number of years opposition to the vast increase of foreign population due to immigration had been slowly taking form. In 1844, Baltimore contained about fifty thousand persons of foreign birth, one-fourth of its total population. The magnificent opportunities offered by the United States had turned thither a tide of immigration which, at first welcome, had



James Montgomery.



Thaddeus Hyatt.

From photographs in possession of the Kansas State Historical Society.

subsequently become a source of irritation to many who saw in it a menace to the privileges of themselves and the safety of their posterity. It was seriously believed by a great many that it was a part of the policy of the European governments to send over to this country the undesirable elements of their population so as to weaken the national character as well as the national tie and thereby sow disorders in the country. After the revolutionary outbreaks in Europe in 1848 great numbers of Germans came to America to await the passing over of the storm and then to return to their own country; they did not seek naturalization and some of them even vaunted that they would establish German states in the west and defy the government of the United States. These sentiments took on an alarming character in the popular imagination and opposition to them found expression in the halls of Congress, where many earnest anti-foreign speeches were delivered. Various German organizations were formed in Baltimore and other cities and schedules of 'reforms' were promulgated, embodying the various demands of the foreign born elements of the population. These in the main reflected the socialistic opinions current in Germany and France. . . . The rise of the Know-nothing, or American, party is involved in obscurity by reason of the fact that for a long time members of its secret lodges would not admit its existence and when interrogated with regard to it would invariably reply 'I don't know.' . . . This gave name to the movement. This secret party had for its tenets the exclusion of foreigners and Roman Catholics from all national, State, and municipal offices, and the advocacy of a longer term of residence for foreigners, before extending to them the privilege of naturalization. Its watchword was a saying attributed to Washington, 'Put none but Americans on guard to-night.' . . . It became impossible longer to disguise the existence of the party or to preserve secret its tenets or its personnel. In 1855 the Know-nothings came out as a distinct party, held a convention at Philadelphia

and promulgated a platform. Almost every State in the Union was represented. All secret machinery was abolished and the party went before the country with a set of principles which centred in a demand for 'more stringent naturalization laws' and resistance to the 'aggressive policy and the corrupting tendencies of the Roman Catholic Church.' The reading of the Bible in the public schools was upheld and a declaration was made in favor of the existing slavery laws and denying the right of Congress to legislate upon the slavery question."

The Know-nothing organization was welcomed by those who were not in sympathy with the regular parties; for to them it offered a fold and the sense of being in a national following. But in the attempt to magnify a mission essentially narrow the Know-nothing party broadened itself out, to the detriment of its depth. However, in the beginning of its life as a national party, defeated Whigs and restless Democrats caught the spirit of the Native Americanism, and, during the twelve months' period of Kansas-Nebraska strife, so enlarged the borders of the party as to give it a seeming but fictitious importance. But from the country at large the party could not expect to secure sufficient endorsement to justify its career of religious animosity and fanatical patriotism. Certainly, conservative citizens viewed with strong disfavor such treatment as that accorded Bedini, the papal nuncio sent to America in 1853. He was nearly mobbed in Cincinnati, and, when he made his way to New York, was glad to take ship for home, with mingled feelings in his breast which did not, however, question the supremacy of a sentiment of amazement, and perhaps of contempt, for the uncouth Americans.

The man who would enter the Know-nothing party in those days of secret signs and passwords had to renounce fellowship with papal nuncios, priests, and all other persons who were connected with Roman Catholicism. So long as the movement was one of secret lodges, it had the same opportunity to grow, all other things being equal, as any

other secret order, but it was asking too much to expect the country at large to give endorsement to such methods on the part of a national political party. "Glance for a moment at the procedure adopted in the inducting of a new member into a Know-nothing lodge, and see how the process comports with the freedom and transparency of American institutions. The candidate who presented himself for admission to the first degree placed his hand upon the Holy Bible and the Cross, and pledged himself by a solemn oath of secrecy. If he were of legal age and a believer in God and born in the United States, and if neither himself, his parents, nor the members of his household were Roman Catholics, or in sympathy with such, and if the applicant had been reared under Protestant influences, he might be conducted into a room where the president of the lodge sat in state, and there take a further oath not to vote for any man unless he were a Protestant, of American birth, and in favor of Americans ruling America."

The novitiate then received the password, and the sign of recognition and grips were explained to him. When he challenged a brother, he asked: "What time?" and received the reply: "Time for work." Then he asked: "Are you?" and received the reply: "We are." The new member was also informed that notices of the meetings were communicated by means of triangular pieces of white paper. If red paper was used, it was a sign of danger. When the new member had been inducted into the various forms of lodge mechanism, he listened to an address by the president on the principles of the order. This address partook something of the nature of the following: "A sense of danger has struck the great heart of the nation. In every city, town, and hamlet, the danger has been seen and the alarm sounded. And hence true men have devised this order as a means . . . of advancing America and the American interest on the one side, and on the other of checking the stride of the foreigner or alien, of thwarting the machinations and subverting the deadly plans of the

Jesuit and the Papist." The member thus admitted served a term of probation before being inducted into the second degree of the order, which event was marked by the administering of fresh oaths and the imparting of a new password and countersign. The most profound secret of the order was its official designation, which was finally declared to the member after he had advanced far enough in the mysteries of the order by the president, who solemnly declared: "Brother—You are a member in full fellowship of The Supreme Order of the Star-spangled Banner."

The position of the American party on slavery was a matter of dispute. Some persons saw in the order a scheme of slavery propaganda, whose real purpose was to create a new issue with the North and to divert attention in that section from the question of greatest importance. On the other hand, Henry A. Wise, of Virginia, emphatically declared that the Know-nothing order was committed to the destruction of slavery. So far as the order was related to the question of the times, its attitude in the South was that of opposition to the formation of a party having as its sole idea slavery extension. For this reason the party was distasteful to the slaveholders of the South, who felt that one issue had to be settled before another could be discussed. In the North, wherever the order was found, it sought to advance its principles with little regard to the slavery question, and sought to keep that issue in abeyance.

The year 1854 was marked by an unusual unrest, and the political condition of the country was unstable. Riots were frequent and were usually induced by perfervid moral sentiment of one sort or another. The temperance movement was forceful in a number of States and it was not an uncommon occurrence for bands of women affiliated with temperance organizations to enter bar-rooms, demolish the stock and fixtures and create consternation among the patrons. This was the year, too, when Garrison, the abolitionist, performed his sensational act of burning the Constitution of the United States at a meeting of abolitionists in

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First Territorial Capitol building, at Pawnee, 1855. *From a photograph in possession of the Kansas State Historical Society.*

Framingham, Massachusetts. Like scenes were reported from other parts of the country. In New York a fight occurred in City Hall Park between the advocates of a street preacher and those who were opposed to him. Finally, a band of Know-nothings gathered about the man and enabled him to proceed with his speech. On the following Sunday the same preacher discoursed to a large street assemblage in Brooklyn and, when he had ended his discourse, he was escorted to the ferry by about five thousand Know-nothings. This company was attacked by a number of Irish Catholics and a fight ensued, in which paving stones and bullets were exchanged. The police being unable to cope with the riot, the mayor sent a regiment of militia to their aid. The week was one of intense excitement and another violent outbreak was predicted for the following Sunday. The authorities, however, employed the entire police force and a large number of special police and deputy sheriffs for the preservation of the peace, so that only slight outbreaks took place. The riots occasioned by the Brooklyn street preacher were but a type of outbreaks which occurred in Cincinnati, Baltimore, Charleston, and Philadelphia.

The moral agitation which expressed itself in a wave of Protestant fanaticism, was symptomatic of the unnatural state of the public mind. On election day, Catholic cathedrals had to be barricaded and churches of that denomination were frequently placed under military guard to prevent their being fired or pillaged.

In the fall of 1854 the elections failed to fulfil the anticipations of those who hoped for a very large Know-nothing vote. But the Fusion ticket in the field was unfavorable to both the Know-nothing and the Democratic parties. In Pennsylvania the candidate for governor who won the election did so by reason of the fact that he was on both the Whig and American tickets.

The success achieved in the States where they had strength encouraged the Know-nothings to call their national council in Cincinnati. It then promulgated the third, or

Union, degree. The candidate for this degree promised faithfully to defend the union of the States against assault from every quarter, and upon making such a pledge, was admitted to the brotherhood of the Order of the American Union. This action was largely influenced by Kenneth Raynor, of North Carolina, who had been a Whig member of Congress. A large slaveholder and a firm believer in the rights of the slaveholding States, he nevertheless had broad national sympathies and was strongly attached to the Union. He had associated himself with the American party because of his firm faith in its leading principles. As the party was without pronounced expression upon slavery, he conceived it to be an excellent plan to secure it for the preservation of the Union, without having it committed to an expression upon slavery. At the Cincinnati Council, Mr. Raynor explained his object to be "the preservation and perpetuity of the Union in all coming time; to maintain and defend it against all encroachments under all circumstances, and to put under the ban of proscription any and all men who might be engaged in impairing its vigor or resisting its authority." In six months from that time it was estimated that the number of men who had taken the Union degree was not less than a million and a half. Hardly too much importance can be attached to this aspect of the American movement. Many Southern members of that party, when the issue of secession had to be met, found themselves broadened out of their States Rights feeling and ready to espouse the cause of the perpetuation of the Union. Such was the case with Governor Hicks, of Maryland, a man of Southern proclivities and interests, but who had been elected by the American party and who, when the alternative was presented of secession or allegiance, threw his influence upon the side of the Union and did much to keep Maryland from seceding. In the North, however, the small but active organization of the American party in the States of Massachusetts, New York, Pennsylvania, and New Jersey construed their fidelity to the

Union as requiring them to oppose in every way slavery sentiment and the institution which it supported. The several State legislatures which the Know-nothings had helped to elect passed resolutions condemning the repeal of the Missouri Compromise. In the spring of 1855 the American party suffered a severe reversal in Virginia, where, under Henry A. Wise, the Democracy achieved a victory.

The national Council of the American party met in Philadelphia on the 5th of June, 1855. Most of the States were represented, each by seven delegates. The South sent men to the Council to influence the organization in behalf of its interest so as to rescue the institution of slavery from the harm which was foreshadowed by the result of the Northern elections. The delegation from Massachusetts was not received with favor in the Council. The American party of that State had elected a delegation to the House of Representatives of Massachusetts, the personnel of which was drawn largely from the Free-soil party and had passed resolutions condemning the repeal of the Missouri Compromise and favoring the repeal of the Fugitive Slave Act, as well as laws to protect personal liberty and to insure colored children a status of equality in the public schools. It had also condemned Judge Loring for the rendition of Anthony Burns. The opposition to Senator Henry Wilson, just chosen by the Massachusetts legislature, was particularly strong. He had been an anti-slavery man for twenty years and had strongly identified himself with those interests in prominent ways. He had but recently addressed a public meeting in New York, over which Henry Ward Beecher had presided, and at which Mr. Wilson had declared: "If my voice could be heard by the whole country to-night, by the anti-slavery men of the country of all parties, I would say to them: Resolve it, write it over your door-posts, engrave it on the lids of your Bibles, proclaim it at the rising of the sun, and at the going down of the same, and in the broad light of noon,—that any party in America, be that party Whig, Democrat, or American, that lifts its finger to

arrest the anti-slavery movement, to repress the anti-slavery sentiment, or proscribe the anti-slavery men, it surely shall begin to die; it would deserve to die, it will die, and by the blessing of God I shall do what I can to make it die."

The delegates who had come to the convention with the purpose of seeking to align it with pro-slavery interests were greatly incensed at Mr. Wilson and his associates and endeavored to keep them out of the convention. In this they did not succeed, but, nevertheless, the slavery question caused a debate which continued for more than a week. The strife culminated on the 8th of June in a struggle for the presidency of the Council. In this struggle the pro-slavery candidate was defeated. The seeds of dissolution sown in the American party by the introduction of the slavery dispute became manifest in the report of the Committee on Resolutions. These resolutions forbade the discussion of slavery in any form by the American party, demanded the enforcement of the laws by the national government, with emphasis upon the Fugitive Slave Act. These resolutions, however, were reconsidered by the committee, and in their stead a platform was presented to the convention denying the power of Congress to prohibit slavery in the Territories or to abolish it in the District of Columbia, and demanding that the nation should maintain and abide by the existing laws on the subject. A minority report was submitted by the members of the committee who were opposed to the endorsement of slavery in any form. The reports were on the sixth day of the session and were the signal for a debate which lasted three days. The Northern platform was rejected by a vote of fifty-one to ninety-two, and the Southern platform adopted by a vote of eighty to fifty-nine. Its effect was to split the national Council.

On the 14th of June, the Northern delegates held a meeting and issued a declaration of sentiments upholding freedom as a constitutional conferment. The impression made by this Council upon the North was expressed by the *New York Times* as follows: "The Know-nothings are

entitled to the credit of having been the first to meet the aggressive pro-slavery spirit with bold and manly courage, and to refuse obedience to its behests. Their example, we trust, will not lack imitators in other political parties. Their noble adherence to principle, we are sure, will be held in everlasting remembrance. Up to the present time a national convention has been equivalent to a national surrender. The Know-nothings have inaugurated a new era."

Broken as was the party, it was still a force in the politics of the nation and had much to do with the recovery in 1855 by the Democrats of the States of New Jersey, Pennsylvania, Indiana, and Illinois, and itself carried the States of New York, California, and Massachusetts. The American was the first party to hold its convention preliminary to the elections of 1856. It met on Washington's birthday, February 22d, of that year, although its National Council had been in session from the 19th and had adopted the platform of the party. The principal features of this declaration were:

"Persons born of American parents residing temporarily abroad should be entitled to all the rights of native-born citizens.

"No person should be selected for political station (whether of native or foreign birth) who recognizes any allegiance or obligation of any description to any foreign prince, potentate, or power, or who refuses to recognize the Federal and State Constitutions (each within its sphere) as paramount to all other laws as rules of political action.

"The unqualified recognition and maintenance of the reserved rights of the several States, and the cultivation of harmony and fraternal good will between the citizens of the several States, and, to this end, non-interference by Congress with questions appertaining solely to the individual States, and non-intervention by each State with the affairs of any other State.

"The recognition of the right of native-born and naturalized citizens of the United States, permanently residing in

any Territory thereof, to frame their constitution and laws and to regulate their domestic and social affairs in their own mode, subject only to the provisions of the Federal Constitution, with the privilege of admission into the Union whenever they have the requisite population for one representative in Congress; provided, always, that none but those who are citizens of the United States, under the Constitution and laws thereof, and who have a fixed residence in any such Territory, ought to participate in the formation of a constitution or in the enactment of laws for said Territory or State.

"An enforcement of the principle that no State or Territory ought to admit others than citizens to the right of suffrage, or of holding political offices of the United States.

"A change in the laws of naturalization, making a continued residence of twenty-one years, of all not heretofore provided for, an indispensable requisite for citizenship hereafter, and excluding all paupers and persons convicted of crime from landing upon our shores; but no interference with the vested rights of foreigners."

When the convention met on the 22d it included two hundred and twenty-seven delegates from twenty-seven States of the Union, the only States not having representation being Maine, Vermont, South Carolina, and Georgia. The convention organized by electing Ephraim Marsh, of New Jersey, as the presiding officer, and then plunged into a long debate over the right of the National Council to make the platform of the party. This debate was precipitated by a resolution which ran thus: "That the National Council has no authority to prescribe a platform of principles for this nominating convention, and that no candidates for President and Vice-President who are not in favor of interdicting slavery into territory north of thirty-six degrees thirty minutes by Congressional action, shall be nominated by this Convention." A motion was made to lay this resolution on the table. The test of strength of the two wings of the party resulted in the triumph of the element

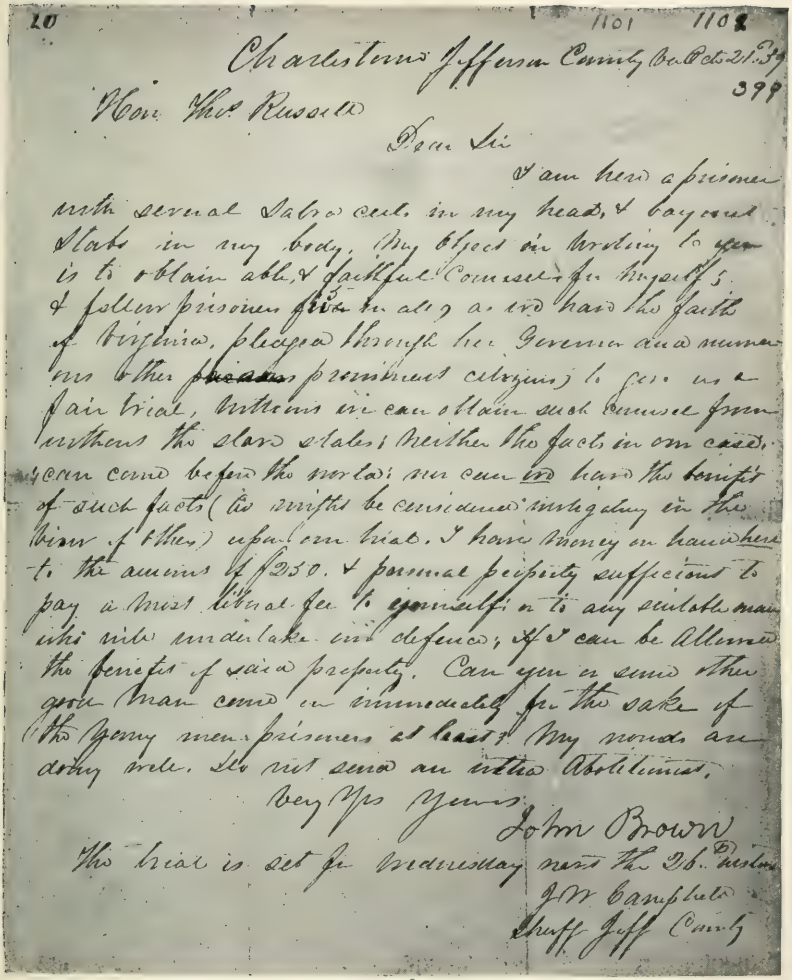
favoring the motion by a vote of one hundred and fifty-one to fifty-nine. A motion to proceed to nominate a candidate for president was carried by a vote of one hundred and fifty-one to fifty-one. Thereupon nearly all the delegates from New England and Ohio and some of those from Pennsylvania, Illinois, and Iowa withdrew from the convention. The formal vote for president was favorable to Mr. Fillmore, who received one hundred and seventy-nine votes. Andrew J. Donelson received one hundred and eighty-one votes and was declared nominated for the vice-presidency. The seceding delegates met and nominated for president Colonel John C. Frémont, of California, and for vice-president William F. Johnston, of Pennsylvania.

The anti-Nebraska agitation gave to the meeting of the Democratic National Convention especial interest. A great many members still adhered to the party who did not uphold the radical demands of the slave interest. In New York the division in the party was most serious. Pierce was in favor with the Southern people, while the Northern and more moderate wing of the party favored Buchanan. Douglas had a strong popular following. The convention was held at Cincinnati, and the opinion was quite general that, should Buchanan be defeated, the Northern Democrats would bolt. The preliminary intriguing of this convention has possibly never been equalled in the history of such gatherings. The convention met on the 2d of June, with all the States fully represented, and with contesting delegations from the States of New York and Missouri. The anti-Bentonites were the "regulars" from Missouri. The attempt of the contestants to gain admittance to the hall precipitated an incipient riot. The presiding officer administered to the intruders such a scathing rebuke for their disorderly conduct that they retired, and as the Committee on Credentials reported on their claim unfavorably they were heard of no more. Both the New York delegations were admitted, each to have half a vote. The permanent chairman of the convention was John E. Ward, of Georgia. On the first ballot, Buchanan led with

a vote of one hundred and thirty-five, with Franklin Pierce a close second with a vote of one hundred and twenty-two. Douglas received thirty-three votes and Lewis Cass five. The Southern States gave on this vote seventy-two to Pierce, twenty-nine to Buchanan, and fourteen to Douglas. The North gave one hundred and six to Buchanan, fifty to Pierce, nineteen to Douglas, and five to Cass. On the second and succeeding votes Buchanan's strength increased very slowly but steadily; Pierce's fell off rapidly, and most of this loss was Douglas's gain, so that on the sixteenth trial the result was, for Buchanan one hundred and sixty-eight, for Pierce none, for Douglas one hundred and twenty-one, and for Cass six. On the tenth ballot Buchanan had a majority, but lacked eighteen of the necessary two-thirds. The total vote was cast for him on the seventeenth ballot and he was declared nominated. John C. Breckinridge was unanimously nominated for vice-president on the second ballot. The principal features of the platform drawn up by this convention were a resolution antagonistic to the principles of the American party and a definition of the party's relation to the subject of slavery. The latter was as follows:

"That Congress has no power under the Constitution to interfere with or control the domestic institutions of the several States, and that all such States are the sole and proper judges of everything appertaining to their own affairs not prohibited by the Constitution; that all efforts of the Abolitionists or others made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences, and that all such efforts have an inevitable tendency to diminish the happiness of the people and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions.

"That the foregoing covers, and was intended to embrace, the whole subject of slavery agitation in Congress, and therefore the Democratic party of the Union, standing



Charlestown Jefferson County Va Oct 21. 59

399

Hon. Thos Russell

Dear Sir

I am here a prisoner with several Sabre cut in my head, & bayonet Stabs in my body. My Object in writing to you is to obtain able & faithful Counsel for myself & fellow prisoners now in this place, and have the Laws of Virginia, pledged through her Governor and numerous other prominent citizens to give us a fair trial, without we can obtain such Counsel from without the Slave States; Neither the facts in our case, you could keep the world; nor can we hear the truth of such facts (as might be considered partizan in the view of others) upon our trial. I have Money on hand here to the amount of $250. & personal property sufficient to pay a most liberal fee to yourself or to any suitable man who will undertake our defence; & I can be allowed the benefit of said property. Can you or some other good Man come in immediately for the sake of the Enemy men prisoners at least? My words are dead ones. Do not send an Ultra Abolitionist.

Very Yrs Yours

John Brown

The trial is set for Wednesday next the 26th Inst.

J W Campbell

Sheriff Jeff Co Va

Letter, dated October 21, 1859, written by Sheriff J. W. Campbell, signed by John Brown, relative to his imprisonment. *From the original in possession of the Kansas State Historical Society.*



on this national platform, will abide by and adhere to a faithful execution of the acts known as the 'compromise' measures, settled by the Congress of 1850, the act for reclaiming fugitives from service or labor included; which act, being designed to carry out an express provision of the Constitution, cannot, with fidelity thereto, be repealed, or so changed as to destroy or impair its efficiency.

"That the Democratic party will resist all attempts at renewing, in Congress or out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made."

Averring that the party proposed to meet squarely the sectional issue and to test the fidelity of the people North and South to the Constitution, the following resolutions were included in the platform:

"That, claiming fellowship with and desiring the coöperation of all who regard the preservation of the Union under the Constitution as the paramount issue, and repudiating all sectional issues and platforms concerning domestic slavery which seek to embroil the States and incite to treason and armed resistance to law in the Territories, and whose avowed purpose, if consummated, must end in civil war and disunion, the American Democracy recognize and adopt the principles contained in the organic laws establishing the Territories of Nebraska and Kansas as embodying the only sound and safe solution of the slavery question, upon which the great national idea of the people of this whole country can repose in its determined conservation of the Union, and non-interference of Congress with slavery in the Territories or in the District of Columbia.

"That this was the basis of the compromise of 1850, confirmed by both the Democratic and Whig parties in national conventions, ratified by the people in the election of 1852, and rightly applied to the organization of the Territories in 1854.

"That by the uniform application of the Democratic principle to the organization of Territories, and the admission

of new States with or without domestic slavery, as they may elect, the equal rights of all the States will be preserved intact, the original compacts of the Constitution maintained inviolate, and the perpetuity and expansion of the Union insured to its utmost capacity of embracing, in peace and harmony, every future American State that may be constituted or annexed with a republican form of government.

"That we recognize the right of the people of all the Territories, including Kansas and Nebraska, acting through the legally and fairly expressed will of the majority of the actual residents, and whenever the number of their inhabitants justifies it, to form a constitution, with or without domestic slavery, and be admitted into the Union upon terms of perfect equality with the other States."

The first Republican national convention was marked by great enthusiasm. The delegates were not selected according to any uniform plan and little attention was paid to the number of delegates representing a State. New York cast ninety-six votes, Pennsylvania eighty-one, and Ohio sixty-nine. All the Northern States and Delaware, Maryland, and Kentucky were represented. Colonel Henry S. Lane, of Indiana, was made the president of the convention. The convention then gave itself up to speechmaking and the fraternizing of men who met as members of the same party for the first time. The extraordinary success the new party was having throughout a large section of the country was a cause of much gratification to the assembled delegates. On an informal ballot for president, John C. Frémont, of California, received three hundred and fifty-nine votes and his nomination was made unanimous. In like manner William L. Dayton, of New Jersey, was unanimously nominated for vice-president. The selection of Frémont was influenced by the fact that he was the nominee of the seceding Know-nothings. The first platform of the national Republican party was significant enough to demand its insertion in full. It was as follows:

"This convention of delegates, assembled in pursuance of a call addressed to the people of the United States, without regard to past political differences or divisions, who are opposed to the repeal of the Missouri Compromise, to the policy of the present administration, to the extension of slavery into free Territory; in favor of admitting Kansas as a free State, of restoring the action of the Federal government to the principles of Washington and Jefferson; and who purpose to unite in presenting candidates for the offices of president and vice-president, do resolve as follows:

"That the maintenance of the principles promulgated in the Declaration of Independence and embodied in the Federal Constitution is essential to the preservation of our Republican institutions, and that the Federal Constitution, the rights of the States, and the union of the States, shall be preserved.

"That with our Republican fathers we hold it to be a self-evident truth, that all men are endowed with the unalienable rights to life, liberty, and the pursuit of happiness, and that the primary object and ulterior designs of our Federal government were to secure these rights to all persons within its exclusive jurisdiction; that, as our republican fathers, when they had abolished slavery in all our national territory, ordained that no person should be deprived of life, liberty, or property without due process of law, it becomes our duty to maintain this provision of the Constitution against all attempts to violate it for the purpose of establishing slavery in any Territory of the United States, by positive legislation, prohibiting its existence or extension therein. That we deny the authority of Congress, of a Territorial legislature, of any individual or association of individuals, to give legal existence to slavery in any Territory of the United States, while the present Constitution shall be maintained.

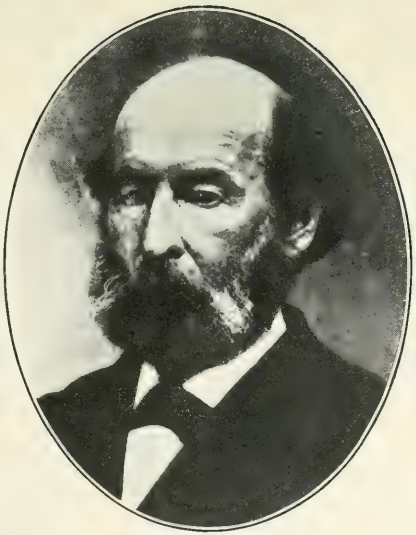
"That the Constitution confers upon Congress sovereign power over the Territories of the United States, for their government, and that in the exercise of this power it is both

the right and the duty of Congress to prohibit in the Territories those twin relics of barbarism, polygamy and slavery.

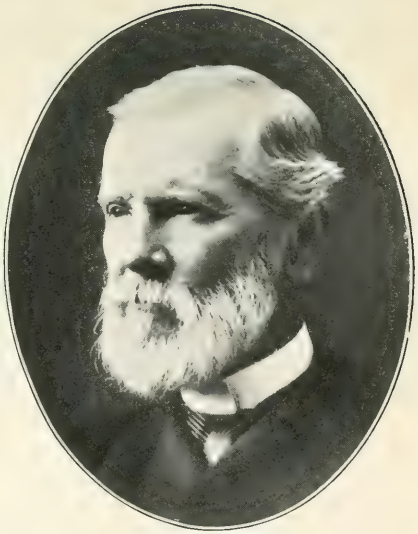
"That while the Constitution of the United States was ordained and established by the people in order to form a more perfect Union, establish justice, ensure domestic tranquillity, provide for the common defence, and secure the blessings of liberty, and contains ample provision for the protection of the life, liberty, and property of every citizen, the dearest constitutional rights of the people of Kansas have been fraudulently and violently taken from them; their territory has been invaded by an armed force, spurious and pretended legislative, judicial, and executive officers have been set over them, by whose usurped authority, sustained by the military power of the government, tyrannical and unconstitutional laws have been enacted and enforced; the rights of the people to keep and bear arms have been infringed; test oaths made the condition of exercising the right of suffrage and holding office; the right of an accused person to a speedy and public trial by an impartial jury has been denied; the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures has been violated; they have been deprived of life, liberty, and property without due process of law; that the freedom of speech and of the press has been abridged; the right to choose their representatives has been made of no effect; murders, robberies, and arsons have been instigated and encouraged, and the offenders have been allowed to go unpunished;—that all these things have been done with the knowledge, sanction, and procurement of the present administration; and that for this high crime against the Constitution, the Union, and humanity, we arraign the administration, the President, his advisers, agents, supporters, apologists, and accessories, either before or after the fact, before the country and before the world, and that it is our fixed purpose to bring the actual perpetrators of these atrocious outrages, and their accomplices, to a sure and condign punishment hereafter.



General Benjamin F. Stringfellow.
A pro-slavery leader in the
Kansas troubles.



Eli Thayer.
Originator of the Emigrant Aid Society.



Dr. John H. Stringfellow.
Speaker of first pro-slavery House of
Representatives, Kansas.

From photographs in possession of the Kansas State Historical Society.

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"That Kansas should be immediately admitted as a State of the Union, with her present free Constitution, as at once the most effectual way of securing to her citizens the enjoyment of the rights and privileges to which they are entitled, and of ending the civil strife now raging in her territory.

"That the highwayman's plea, that 'might makes right,' embodied in the Ostend circular, was in every respect unworthy of American diplomacy, and would bring shame and dishonor upon any government or people that gave it their sanction.

"That a railroad to the Pacific Ocean, by the most central and practicable route, is imperatively demanded by the interests of the whole country, and that the Federal government ought to render immediate and efficient aid in its construction; and, as an auxiliary thereto, the immediate construction of an emigrant route on the line of the railroad.

"That appropriations by Congress for the improvement of rivers and harbors, of a national character, required for the accommodation and security of our existing commerce, are authorized by the Constitution, and justified by the obligation of government to protect the lives and property of its citizens."

The fourth convention, that of the Whigs, met at Baltimore on September 17, 1856. Michigan, Iowa, Wisconsin, Texas, and California were the States without representation. Edward Bates, of Missouri, was chosen to preside over the deliberations. The nomination of Fillmore and Donelson was accepted by resolutions, and the following platform was adopted:

"That the Whigs of the United States, now here assembled, hereby declare their reverence for the Constitution of the United States, their unalterable attachment to the national Union, and a fixed determination to do all in their power to preserve them for themselves and their posterity. They have no new principles to announce, no new platform to

establish, but are content to broadly rest—where their fathers rested—upon the Constitution of the United States, wishing no safer guide, no higher law.

"That we regard with the deepest interest and anxiety the present disordered condition of our national affairs,—a portion of the country ravaged by civil war, large sections of our population embittered by mutual recriminations; and we distinctly trace these calamities to the culpable neglect of duty by the present national administration.

"That the government of the United States was formed by the conjunction in political unity of widespread geographical sections, materially differing not only in climate and products, but in social and domestic institutions; and that any cause that shall permanently array the different sections of the Union in political hostility and organized parties, founded only on geographical distinctions, must inevitably prove fatal to a continuance of the national Union.

"That the Whigs of the United States declare, as a fundamental rule of political faith, an absolute necessity for avoiding geographical parties. The danger so clearly discerned by the Father of his Country has now become fearfully apparent in the agitation now convulsing the nation, and must be arrested at once if we would preserve our Constitution and our Union from dismemberment, and the name of America from being blotted out from the family of civilized nations.

"That all who revere the Constitution and the Union must look with alarm at the parties in the field in the present presidential campaign,—one claiming only to represent sixteen Northern States and the other appealing mainly to the passions and prejudices of the Southern States; that the success of either faction must add fuel to the flame which now threatens to wrap our dearest interests in a common ruin.

"That the only remedy for an evil so appalling is to support a candidate pledged to neither of the geographical sections now arrayed in political antagonism, but holding both in a just and equal regard. We congratulate the

friends of the Union that such a candidate exists in Millard Fillmore.

"That, without adopting or referring to the peculiar doctrines of the party which has already selected Mr. Fillmore as a candidate, we look to him as a well-tried and faithful friend of the Constitution and the Union, eminent alike for his wisdom and firmness; for his justice and moderation in our foreign relations; for his calm and pacific temperament, so well becoming the head of a great nation; for his devotion to the Constitution in its true spirit; his inflexibility in executing the laws; but, beyond all these attributes, in possessing the one transcendent merit of being a representative of neither of the two sectional parties now struggling for political supremacy.

"That, in the present exigency of political affairs, we are not called upon to discuss the subordinate questions of administration in the exercising of the constitutional powers of the government. It is enough to know that civil war is raging, and that the Union is imperilled; and we proclaim the conviction that the restoration of Mr. Fillmore to the presidency will furnish the best if not the only means of restoring peace."

Having stated the platforms of this epochal period, a glance at the candidates will not be amiss. Frémont, the Republican nominee, like Pierce, was a comparatively young man. The gallant pathfinder was a man of dashing energy, well qualified to sound a call to the heterogeneous elements of anti-slavery that should send them scurrying to the camp of the new party and a common cause. Frémont had espoused Benton's talented daughter, and thus had been brought into alliance with border State sentiment and interest. Fillmore, the American candidate, gathered to himself the remnant of the conservatives who were still under the influence of the antiquated notion of moral compromise. The Republican organization can best be described by the epithets which were hurled at it by its foes. These were not few nor were they choice, but they were picturesquely

appropriate. Among those most frequently heard were: "Sectional," "Geographical," "Freedom shriekers," "Nigger worshippers," and "Black Republicans." Although the Republican party was through force of its greatest issue geographical, that party, as its platform shows, was not restricted to the advocacy of a single issue. Buchanan, the Democratic candidate, had in the April prior to his nomination, resigned from the court of London and returned to America. The fact of his long absence from the country and lack of identification with the divisive issues made him an available candidate. To this consideration must be added the undoubted facts of his reputation for sobriety, sagacity, wisdom, and his wide experience in public life. These, then, were the men who fought the notable campaign of 1856.

The August State elections of 1856 gave generally an increased Democratic preponderance over the American party in Missouri, North Carolina, Arkansas, Kentucky, and Texas. Iowa, Vermont, and Maine were pronouncedly Republican. The October State elections, however, were of a different order of result. The Republicans prevailed in Ohio, but Pennsylvania and Indiana went Democratic, this too despite the fact that the Republicans and Americans fused in the Keystone State. In November, New Jersey, Pennsylvania, Indiana, and Illinois were all found in the Democratic columns, but the rest of the free States swung to Frémont. The same was true of New York. The *New York Tribune*, commenting upon the failure of the Republicans in their first national contest, remarked: "We have lost a battle, the Bunker Hill of the new struggle for freedom has passed; the Saratoga and Yorktown are yet to be achieved." The failure of the Republicans to elect their candidates was lost sight of in the unprecedented strength which that party was shown to have developed. The Americans were overwhelmingly defeated, their candidates carrying but a single State—Maryland.

The canvass in the South had not been vigorous, as the contest was only between Buchanan and Fillmore, the



"The Democratic Platform." Caricature apropos of the campaign of 1856. *From an original in the Library of Congress.*

former attracting to himself the slaveholding following. In the North the Republican campaign rivalled that of 1840 in enthusiasm. Lacking the "hard cider" and "Tippecanoe" slogans of that campaign, it generated a more significant and less superficial enthusiasm from the moral issues involved. The total popular vote cast for Buchanan was one million eight hundred and thirty-eight thousand one hundred and sixty-nine, and for Frémont one million three hundred and forty-one thousand two hundred and sixty-four. Fillmore received but eight hundred and seventy-four thousand five hundred and thirty-four. Of the electoral votes, Buchanan received one hundred and seventy-four, Frémont one hundred and fourteen, and Fillmore eight.

CHAPTER XIII

THE KANSAS CRUSADE

The repeal of the Missouri Compromise not only awoke Northern indignation, but determined that section to fight slavery in the Territory of Kansas which the slave interests purposed to capture as a consequence of that legislation. The people in western Missouri were strongly pro-slavery, and, believing that the Kansas-Nebraska Act implied that Kansas was to be given over to slavery, many families immigrated into Kansas and staked out homesteads. The pioneer spirit impelled a large emigration to Kansas from a number of the Western States, particularly Iowa, Illinois, and Indiana. In July, 1854, a stream of emigrants was directed toward Kansas by the Emigrant Aid Company of New England, of which Eli Thayer was the moving spirit. This company had as its avowed purpose the making of Kansas a free State. The founder of that society describes the circumstances under which he was led to gather about him a company of kindred spirits for his unique crusade. His words give insight into the depth of feeling which he shared in common with thousands of other Northern opponents of slavery extension. "During the winter of 1854," he says, "I was, for the second time, a representative from Worcester in the legislature of Massachusetts. I had felt to some degree the general alarm in anticipation of the repeal of the Missouri Compromise, but not the depression and despondency that so affected others who regarded the cause of liberty as hopelessly lost. As the winter wore

away, I began to have a conviction which came to be ever present, that something must be done to end the domination of slavery. I felt a personal responsibility, and though I long struggled to evade the question, I found it to be impossible. I pondered upon it by day, and dreamed of it by night. By what plan could this great problem be solved? What force could be effectively opposed to the power that seemed about to spread itself over the continent?" On March 11, 1854, Thayer unfolded his plan in a speech at Worcester, Massachusetts, at a meeting held to protest against the Kansas-Nebraska Bill. At this time he made the declaration that he was willing to devote one-fourth of his time and of his earnings "until a barrier of free hearts and strong hands shall be built around the land our fathers consecrated to freedom." The reception given to Thayer's plan of a popular emigration movement resulted in the formation of the company, the charter for which was received on April 26, 1854. It was not long before it was in a position to carry out its plan of planting enough residents in Kansas to ensure that it should come into the Union a free State. The territory proposed to be preserved against slavery measured about one hundred and twenty-six thousand square miles. At the time of the passage of the Kansas-Nebraska Bill it was largely given over to the Indians. A few mission churches and a few scattered farms comprised the evidences of white occupancy and civilization. Not only was the North vastly better supplied with money for the contest for the soil of Kansas than the South, but it had much better facilities for transporting emigrants. The colonization possibilities of the South were not comparable to those of the North.

Among those who supported the scheme of Thayer were a number of Massachusetts citizens of wealth and influence, including such men as John M. S. Williams, Charles Francis Adams, and Amos A. Lawrence. Edward Everett Hale, then a young clergyman, was an earnest friend of Thayer's experiment, and Charles Robinson, who had had wilderness

experience with the gold hunters of California, and Horace Greeley were among the friends of the cause. No permanent organization was effected under the original charter. A second charter was secured in 1855, and it was under this instrument that the company worked. John Carter Brown, of Providence, was chosen president, and Eli Thayer, first vice-president. The list of the honorary directors of the company included some of the most influential men of the New England States. The object of the association was to plant free-labor towns in Kansas, and to effect this it secured in the course of three years one hundred and forty thousand dollars.

During 1854 the original company, working under disheartening difficulties, sent out in the month of July the first company of emigrants from Massachusetts to Kansas. The fame of this colonial venture spread in all directions, and many pioneers were secured by reason of the popularity and the presumed financial strength of the enterprise. Kansas leagues and Kansas committees sprang up throughout the Northern States, inspired by devotion to the cause of Thayer and his associates. The Thayer experiment, however, did not receive the endorsement and support of the extreme type of anti-slavery men. Such declared the colonization scheme to be wrong in principle and at best unable to accomplish more than to transplant a section of the people of Massachusetts. These men, who were so thoroughly committed to their own viewpoint as to see no good in that of others, pronounced the free Kansas scheme a chimera. They regarded the fate of Kansas as unfortunately, but unalterably, sealed the moment the Missouri Compromise had been repealed.

But such were not the views of the pro-slavery men who viewed with alarm the emigrant trains passing over their borders and piercing into the unknown wilderness beyond. These men, anxious for the preservation of the soil of Kansas for the extension of slavery, saw in the new movement not the fanatical undertaking of visionaries, but an

orderly and successful method of accomplishing the end sought. They viewed with dismay the humble huts which began to dot the rich bottom lands, and read aright in them freedom's prophecy. The earliest town founded by the Emigrant Aid Company was named Lawrence, in honor of the treasurer of the organization. The second town was called Ossawatomie and the third, Topeka.

The slavery advocates sought to organize a counter colonization effort. The plan was placed before some of the Southern Congressmen, who gave it their approval, but were not able to furnish the money needful for its undertaking. Failing in this, the interests opposed to the popular sovereignty idea of the Northern settlers sought to accomplish by political skill the direction of the destiny of Kansas. Border rowdyism became rampant, and the deeds of violence committed by the ruffian element, while they deterred some from joining the crusade, did not have the wide effect which the lawless spirits had hoped to produce. Nevertheless, the lawlessness was kept up and the perpetrators of such acts confidently believed that the resources of the government would be employed to aid them in carrying everything before them.

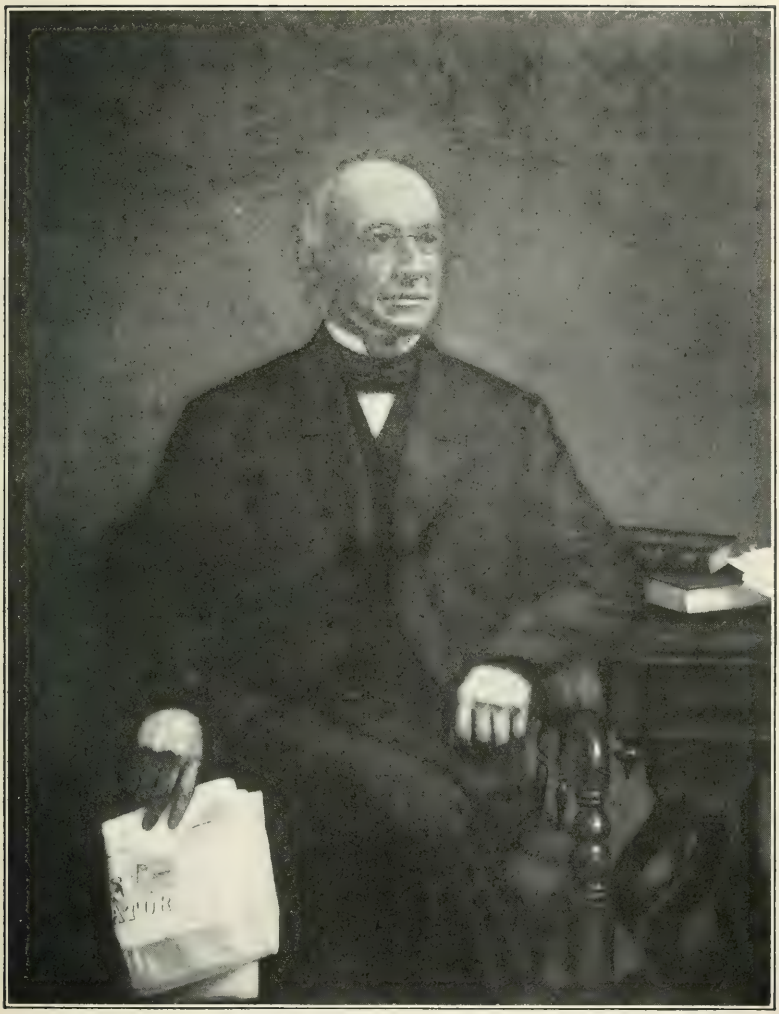
The first Territorial governor of Kansas was Andrew H. Reeder, of Pennsylvania. Reeder was a thorough Democrat, devoted to the principle of squatter sovereignty, an administration follower and a man of ready speech. He arrived at Fort Leavenworth in October, 1854, and made a tour of the rival settlements of slavery and freedom with the purpose of acquainting himself with the conditions prevailing in the Territory, so that he might bring concord and quell the rowdy element. The election for a Territorial delegate took place on November 29, 1854. The free State settlers took little interest in the election, but the pro-slavery men had planned to carry the day in the face of all opposition, and for this purpose had transported over the border a number of Missourians. These men cast their fraudulent ballots, but even without them Whitfield, the Indian agent

and pro-slavery candidate, would have been elected. Elections for the Territorial legislature were postponed until the following spring. A secret pro-slavery order in western Missouri had as its mission the extension of slavery into Kansas by suppressing in every way possible the Northern settlers. The opportunity of which it proposed to take advantage occurred on March 30, 1855, the date set for the election of the Territorial legislature. On that day a large mob of Missourians crossed the border into Kansas and marched to the polls with guns and revolvers displayed. These colonized voters were instructed not to interfere with the free State settlers unless the latter attacked them, and they carried out their instructions in that respect. At the close of the day these men marched back across the border to the music of a brass band. The day had been one of drunkenness and revelry. Nearly eighty per cent of the total vote cast, which was six thousand three hundred and seven, when the number of qualified voters was two thousand nine hundred and five, was cast by Missourians. The free State men entered their protest with the governor against such a flagrant violation of their rights and desired that the election should be cancelled and a new one held under conditions that would promise a fairer ballot. Reeder, while he did not set aside the whole election, disapproved of certain candidates against whom protests had been filed, and in the supplementary elections of the 22d of May the places of these men were filled by free State candidates. Yet the Territorial legislature was favorable to slavery by more than two to one, the pro-slavery members numbering twenty-eight and the anti-slavery eleven.

The elections which gave this preponderance to the pro-slavery element out of all proportion to its voting strength were defended by the dictum: "To the victor belong the spoils." United States Senator Atchison declared: "When you reside within one day's journey of the Territory, and when your peace, your quiet, and your property depend upon your action, you can, without an exertion, send five

hundred of your young men who will vote in favor of your institutions. Should each county in the State of Missouri only do its duty, the question will be decided quietly and peaceably at the ballot-box." About the same time General Benjamin F. Stringfellow addressed the people in a similar strain. "I tell you," he said, "to mark every scoundrel among you who is the least tainted with abolitionism or free-soilism, and exterminate him. . . . I advise you, one and all, to enter every election district in Kansas, in defiance of Reeder and his vile myrmidons, and vote at the point of the bowie-knife and revolver. Neither give nor take quarter, as the cause demands it. It is enough that the slaveholding interest wills it, from which there is no appeal." Such advice from leaders and the testimony of the Congressional committee that "a very large majority of the votes were cast by citizens of the State of Missouri in violation of the organic law of the Territory" afford an insight into the political condition of Kansas at that time.

The first Territorial legislature met, in pursuance of Governor Reeder's proclamation, at Pawnee on July 2, 1855, and was organized, Dr. J. H. Stringfellow being elected Speaker. The first business was to get rid of the obnoxious anti-slavery members who had been elected at the supplementary elections on May 22d, ten of whom had resisted the efforts made to prevent their taking their seats, while the eleventh, Martin F. Conway, resigned. This was not a tedious task in view of the spirit of this body, which may be judged by Speaker Stringfellow's reply to a member who dissented from the majority report of the Committee on Credentials: "Though the House has no objection to indulging members in free speech, it might perhaps shorten their remarks in some degree if they knew that their speeches would not change a single vote." The result of the purge was that only one free State member, S. D. Houston, retained his seat, and he subsequently resigned "in consequence of the flagrant acts of both bodies."



William Loyd Garrison. *From the painting by E. T. Billings, now in possession of the Worcester County Mechanics Association, Massachusetts.*

The nine vacated seats were filled by the pro-slavery members who had been elected in March. The question of the location of the seat of government at so remote a point from the border as Pawnee was a sore point, and a bill was speedily passed to transfer the capital temporarily to Shawnee Manual Labor School. The governor vetoed the bill, but it was passed over his veto and the legislature adjourned to convene at Shawnee Mission on July 16th. Here a code of laws was enacted for the Territory which provided for the appointment of all officers, legislative, executive, and judicial, by the legislature, or its duly appointed officer; such officers to hold their appointments till after the general election, to take place in October, 1857. No regular session of the legislature was to be held in 1856, and the new body was to meet in January, 1858. Stringent laws were enacted for the punishment of offences against slave property and for decoying slaves from their masters. This Shawnee legislature is commonly known as the "Bogus Legislature" and its acts as the "Bogus Statutes."

The work of the legislature did not take long; the session lasted but four days. The code of laws was imported and adopted almost literally from Missouri, while the slave measures were of the most despotic character and were ready at hand. This modelling upon the statutes of Missouri was in accordance with the confessed purposes of the pro-slavery element as expressed by Atchison, its chief mouthpiece: "I and my friends wish to make Kansas in all respects like Missouri."

Governor Reeder and the legislature were now in constant friction. The governor withheld his approval of the bills enacted at Shawnee on the ground that he considered the assembly to be an illegal body. That the members evidently had doubt as to the validity of their action is evident from their securing a decision of the Supreme Court of the Territory sustaining the Shawnee legislature. Thus fortified, that body now gave free rein to their animosity against Reeder and used every effort to get him dismissed,

which they soon accomplished, for on August 15th, after less than a year's administration, the governor was notified of his removal.

Already the period of violence had begun; the free State men secured arms to aid them in their struggle, while their opponents indulged in unbearable acts of insult and terrorism. Even strangers visiting the Territory were subjected to brutal outrages if suspected of hostility to the institution of slavery. During August, 1855, J.W. B. Kelley, of Cincinnati, fell under displeasure for some remarks which betrayed his anti-slavery sentiments and he was mercilessly assaulted by an Atchison citizen, whose conduct was commended in a series of resolutions passed at a public meeting. The Rev. Pardee Butler, who lived near Atchison and was at the time in the city, having been requested to sign the resolutions, refused, and in consequence was seized by a party of men who dragged him to the river bank, where they blackened his face and marked it with the letter "R." After two hours of cursing, threatening, and entreating, he was cast adrift down the Missouri on a log raft, which carried a flag representing a horse at full gallop bearing Mr. Butler with a negro clinging to him. An inscription read: "Eastern Emigrant Express—The Rev. Pardee Butler again for the underground railroad—The way they are served in Kansas—For Boston," etc. Fortunately, the divine floated safely down the stream for a few miles and succeeded in reaching land. This outrage, which occurred on August 16th, was not to be the last that Mr. Butler was to experience at the hands of the pro-slavery faction, for on a subsequent visit to the city on March 30, 1856, a mob, chiefly South Carolinians, under the lead of Mr. Butler's earlier antagonist, Robert S. Kelly, seized him with the determination of giving him a final quietus. A mock trial resulted in his sentence to death by hanging, but after much persuasion the punishment was reduced to his being "stripped of his clothing to the waist, then applied tar and 'cotton wool' to his body."

The election of the representative to Congress, which was made the occasion of a Congressional committee investigation, evoked a storm of adverse criticism, and was the first intimation to the North of the border outlawry which the free State settlers and the society which supported them were to be called upon to fight. The free State settlers were in no mood to brook the usurpation of rights lawfully theirs, into which they had entered through a long and toilsome journey from a distant section of the country. They therefore determined to hold a convention, in order that the people should be given a chance to say by what laws and institutions they should be governed. A call for a constitutional convention was issued, and the convention met on the 23d of October, 1855, and drew up what was called the Topeka Constitution. This constitution prohibited slavery, but contained a provision permitting the slaves then in the Territory to remain until July 4, 1857. Ex-Governor Reeder was chosen delegate to Congress, and the Territory sought admission to the Union.

The Thirty-fourth Congress, which met on December 3, 1855, received a message from the president, in which he admitted that in that section of the country there had been "acts prejudicial to good order," but he declared that they were not such as to warrant, in his judgment, the employment of the Federal authority. On January 24th he sent a special message to Congress, the tone of which was decidedly favorable to the pro-slavery party in Kansas. He condemned "that pernicious agitation on the condition of colored persons held to service" and the associations "organized in some of the States." On February 14th, Governor Reeder, the choice of the free State convention for representative in Congress, contested the seat of Whitfield upon the ground that his "election was absolutely void, being without any valid law;" that "the law under which the pretended election was held . . . was imposed upon them by superior numbers of non-residents . . . and passed at an illegal and unauthorized place;" that it was not conducted

"according to the forms and modes prescribed by the supposed law;" and that "many hundreds of illegal votes were polled at said election by non-residents and others." Governor Reeder's memorial was referred to the Committee on Elections. A resolution was reported that the committee have power to send for witnesses and papers bearing upon the case.

The committee appointed for this duty consisted of William A. Howard, of Michigan, John Sherman, of Ohio, and Mordecai Howard, of Missouri. Wilson Shannon, of Ohio, the second governor of the Territory, who, on the removal of Reeder, was appointed by the president, entered upon his duties by giving his official recognition to the illegal legislature. He was an avowed friend of the pro-slavery element. Encouraged by his attitude and utterances, especially as he was regarded as speaking for the administration, the supporters of the plan to carry slavery into Kansas were greatly emboldened in their attacks upon the free State settlers. They committed many acts of flagrant violence. The whole Territory was a battleground, and those who were opposed to the slave interests were subjected to all manner of indignities, while, on the other hand, the free State settlers did not mend matters by their injudicious actions and their boastful setting forth of their purposes and the strength and influence of the organization which backed them. The South was in earnest in its purpose to secure Kansas for slavery extension. The feeling of the South is expressed by the following extract from an article published in the Charleston, South Carolina, *Mercury*, July, 1856:

"Now upon the proposition that the safety of the institution of slavery in South Carolina is dependent upon its establishment in Kansas, there can be no rational doubt. He, therefore, who does not contribute largely in money now, proves himself criminally indifferent, if not hostile, to the institution upon which the prosperity of the South and of this State depends. Let the names, therefore, be published daily, that we may see who are lukewarm in this vital



David R. Atchison.
Leader of the pro-slavery faction in Kansas.



Andrew Horatio Reeder.
First governor of the Kansas Territory.

From paintings in possession of the Kansas State Historical Society.

issue—then we may see who are the people in this community who require to be watched. . . .

"We suggest that the Kansas Association appoint a large vigilance committee, whose consultations shall be secret, and who shall take in charge the conduct of delinquents, and adopt such secret measures in reference to them as the interests of the community demand. In this way the contributions will doubtless be adequate, and the cause of Kansas will prosper."

In the meanwhile, the president's recommendation that Congress should pass an enabling act for the admission of Kansas as a State when it should have sufficient population served the purpose of centring the attention of that body upon the Territory. On the 11th of February the president issued a proclamation relating to Kansas, in which his unfriendly attitude toward the Topeka Convention was evidenced. The United States troops at Fort Leavenworth and Fort Riley were placed at the disposition of Governor Shannon, although they were not to be called upon unless absolutely necessary for the maintenance of peace and order, and not then until after the president's proclamation had been publicly read. This course of the president was satisfactory to the Northern Democrats in Congress and to the Northern Democratic press. A Boston paper, which reflected the views of the administration, said of the situation: "Here is the issue: on the one side are Robinson and his organization in Kansas—Chase and the madcaps who go with him in his overt act of treason out of Kansas—the whole band who advocate the sending of Sharpe's rifles to Kansas . . . *and on the other side are the constituted authorities of the United States.*"

Douglas, the Democratic leader in the Senate, was detained from Washington by illness, and the Democratic majority refrained from taking action upon the Kansas situation until his return. When he again appeared in the Senate, he took hold of the matter with energy. That part of the president's message which related to Kansas and his special

message had been referred to the Committee on Territories. On the 12th of March, 1856, Douglas presented a report which covered the question in a thorough manner. He placed the blame for the Kansas disorders upon the Massachusetts Emigrant Aid Company. His denunciation of that association shows in what light it was regarded by the pro-slavery element of the country, in and out of Congress. "When the emigrants sent out by the Massachusetts Emigrant Aid Company and their affiliated societies passed through the State of Missouri in large numbers on their way to Kansas, the violence of their language and the unmistakable indications of their determined hostility to the domestic institutions of that State created apprehensions that the object of the company was to abolitionize Kansas as a means of prosecuting a relentless warfare upon the institutions of slavery within the limits of Missouri. These apprehensions increased and spread with the progress of events until they became the settled convictions of the people of the State most exposed to the danger by their proximity to the Kansas border. The natural consequence was that immediate steps were taken by the people of the western counties of Missouri to stimulate, organize, and carry into effect a system of emigration similar to that of the Massachusetts Emigrant Aid Company, for the avowed purpose of counteracting the effects and protecting themselves and their domestic institutions from the consequences of that company's operations." According to the view of Douglas, the Shawnee legislature was the legal body and its action could not be rescinded by a popular convention. On the one side was legal right, on the other side moral justification. Three senators joined with Douglas in his majority report, espousing the legality of the action of the Kansas legislature, while one dissented.

Senator Collamer, the dissenting member of the committee, declared that the free State people had been forced to have recourse to a convention in order to secure their rights. He advocated a reorganization of the Territory, with proper

safeguards for legal voting, or advised that Kansas be admitted as a free State under the Topeka Constitution. The two reports were presented to Congress, and Sumner addressed that body upon the minority report, saying: "In the report of the majority the truth is smothered; in that of the minority, the true issue stands forth as a pillar of fire to guide the country. . . . I have no desire to precipitate the debate on this important question, under which the country already shakes from side to side, and which threatens to scatter from its folds civil war." He added that he must repel "at once, distinctly, and unequivocally, the assault which has been made upon the Emigrant Aid Company of Massachusetts. That company has done nothing for which it can be condemned under the laws and the Constitution of the land. These it has not offended in letter or spirit; not in the slightest letter or in the remotest spirit. It is true, it has sent men to Kansas; and had it not a right to send them? It is true, I trust, that its agents love freedom and hate slavery. And have they not a right to do so? Their offence has this extent, and nothing more."

In the meanwhile, on January 26, 1856, the House had resolved by a vote of one hundred and one to one hundred to restore the Missouri Compromise. The Reeder contest was in force in that body and the session promised to be barren of legislative results on account of contentions over the Kansas situation. On the 19th of March, 1856, a substitute resolution was offered, providing that a committee should be appointed to go to the Territory and take depositions, as well as to examine witnesses, not confining its investigations to the specific matter of elections, but to the troubles in Kansas generally.

On the 20th of March, the day after the appointment of the House committee, Douglas addressed the Senate in support of a bill which he had introduced, embodying the recommendations of his report. It provided that when Kansas "shall contain ninety-three thousand four hundred and twenty inhabitants (that being the present ratio for a

member of Congress) a convention may be called by the legislature of the Territory to form a constitution and State government." Six months' residence in the Territory was made the qualification for voters.

The Kansas question gave the Republican senators the opportunity to define their position and to set forth their principles. A number of them availed themselves of the privilege. Among those who spoke were Collamer, Hale of New Hampshire, Lyman Trumbull of Illinois, and Harlan of Iowa. The speech of the latter was printed and many thousands of copies were put into circulation. The most startling speech during the debate was that of Charles Sumner. This speech was delivered on May 19th and 20th, and was published under the title *The Crime against Kansas*. He wrote to Theodore Parker two days before "I shall pronounce the most thorough philippic ever uttered in a legislative body." His address, in part, is as follows: "But since a great right has been denied, the children of the free States, over whose cradles has shone the North Star, owe it to themselves, to their ancestors, and to freedom itself, that this right should now be asserted to the fullest extent. By the blessing of God, and under the continued protection of the laws, they will go to Kansas, there to plant their homes, in the hope of elevating this Territory soon into the sisterhood of free States; and to such end they will not hesitate, in the employment of all legitimate means, whether by companies of men or contributions of money, to swell a virtuous emigration, and they will justly scout any attempt to question this unquestionable right. Sir, if they failed to do this, they would be fit only for slaves themselves." Turning his thoughts to the State which was responsible for the moral agitation in Kansas, the speaker continued: "God be praised! Massachusetts, honored commonwealth that gives me the privilege to plead for Kansas on this floor, knows her rights, and will maintain them firmly to the end. This is not the first time in history that her public acts have been arraigned, and that her public men have been exposed to contumely.

THE
NEW YORK
PUBLIC LIBRARY,
Astor, Lenox and Tilden
Foundations.
1903



Joseph Smith.
Author of *The Book of Mormon.*



Brigham Young.
First governor of the Utah Territory.

Thus was it when, in the olden time, she began the great battle whose fruits you all enjoy. But never yet has she occupied a position so lofty as at this hour. By the intelligence of her population—by the resources of her industry—by her commerce, cleaving every wave—by her manufactures, various as human skill—by her institutions of benevolence, various as human suffering—by the pages of her scholars and historians—by the voices of her poets and orators, she is now exerting an influence more subtle and commanding than ever before—shooting her far-darting rays wherever ignorance, wretchedness, or wrong prevail, and flashing light upon those who travel far to persecute her." Sumner's speech added nothing to the substance of the question. It gave no new interpretation of the issue, but it was a speech to call forth from friends the warmest tribute and from foes the concession of strength. Cass rose at the close of Sumner's address and said: "I have listened with equal regret and surprise to the speech of the honorable senator from Massachusetts. Such a speech—the most un-American and unpatriotic that ever grated on the ears of the members of this high body—I hope never to hear again here or elsewhere."

Sumner had denounced his Southern adversaries unsparingly, and Douglas rose to protest. "If the Senator," said he, "had said harsh things on the spur of the moment and then apologized for them in his cooler hours, I could respect him much more than if he had never made such a departure from the rules of the Senate. . . . But it has been the subject of conversation for weeks that the senator from Massachusetts had his speech written, printed, committed to memory. . . . The libels, the gross insults, which we have heard to-day have been conned over, written with a cool, deliberate malignity, repeated from night to night in order to catch the appropriate grace; and then he came here to spit forth that malignity upon men who differ from him—for that is their offence." Douglas charged Sumner with being a perjurer, who had sworn to support the

Constitution and yet had publicly denied that he would render obedience to the Fugitive Slave Law. Said he: "Let the senator remember that the bowie-knife and the bludgeon are not the proper emblems of senatorial debate. Let him remember that the swagger of Bob Acres and the ferocity of the Malay cannot add dignity to this body."

There was one person who had taken a personal umbrage at the speech of Sumner. This was Representative Brooks, from South Carolina, and kinsman to Senator Butler, whom Sumner had coupled by name in aspersions of South Carolina. This circumstance induced an assault of Brooks upon Sumner. Two days after the exciting debate of May 22d, Sumner tarried in the Senate Chamber after adjournment and was approached by Brooks, who, after a few words, hit Sumner a crushing blow upon the head with his cane. Sumner, taken at a disadvantage and penned in his desk, could not offer immediate resistance, although he was a man of powerful physique, and the South Carolinian continued to rain blows upon him even after his cane broke. Finally, Sumner, wrenching his desk from its fastenings, staggered to his feet and attempted to defend himself, but Brooks continued beating the dazed man unmercifully. Sumner dropped to the floor, bleeding profusely, as some one rushing forward seized the arm of his assailant. The assault was severe enough to have killed most men, but Sumner's vigorous constitution preserved him. Nevertheless, he had suffered an injury of the spinal column, and sought in this country and abroad the best medical aid in an effort to gain restored health. Sumner was returned to Congress by the Massachusetts legislature at the close of his term by an almost unanimous vote, but he was not in a condition to resume his duties, although he attempted to enter upon them. He went to Paris and secured a special form of medical treatment, which restored him to a fair degree of health, but he was not able again to enter upon his regular senatorial duties until 1859. He did not attempt to address the Senate again until June, 1860. A single

characterization of the man who attacked Sumner will suffice. He is described by a contemporary, as: "courteous, accomplished, warm hearted and hot blooded, dear as a friend and fearful as an enemy."

The attack awakened the greatest indignation in Massachusetts and was the subject of resolutions adopted in the State legislature, besides calling forth the following significant deliverance from Edward Everett, a man of conservative instincts, in opening his address on Washington at Taunton, Massachusetts. His words were: "The civil war, with its horrid train of fire and slaughter, carried on without the slightest provocation against the infant settlements of our brethren on the frontier of the Union—the worse than civil war which, after raging for months unrebuked at the capital of the Union, has at length, with a lawless violence of which I know no example in the annals of constitutional government, stained the floor of the Senate chamber with the blood of a defenceless man, and he a senator from Massachusetts. . . . O my good friends! these are events which, for the good name, the peace, the safety of the country, it were well worth the gold of California to blot from the record of the past week." The attack on Sumner increased the bitterness in the country and had its echoes in many unpleasant episodes in the Senate. Brooks offered in the House of Representatives an explanation of his conduct, which magnified the guilt of his action, because it was a cold-blooded avowal of a meditated assault with a suggestion that the thought of murder had been in his mind. While in the North the assault of Brooks was characterized as brutal and cowardly, in the South the assailant was called gallant, courageous, spirited, and noble. Seward said in the Senate that the blows that had fallen on the head of the senator from Massachusetts had done more for the cause of human freedom in Kansas and in the Territories of the United States than had all his speeches. A million copies of the address which led to his attack were circulated. The effect of the encounter in the Senate was to lead many

of the senators to go armed to their places in the chamber the next day. A committee of the Senate considered the attack and reported that the assault was a breach of the privileges of the Senate, but that it was out of the Senate's jurisdiction and could be punished only by the House of Representatives. A committee appointed by the House took evidence bearing upon the case and reported a resolution in favor of the expulsion of Brooks. This resolution failed of the necessary two-thirds vote, but Brooks voluntarily resigned. His district reëlected him almost unanimously.

During the first months of 1856 the attention of the country was divided between the proceedings of Congress and occurrences in Kansas. All through the cotton States meetings were held to promote interest in a counter colonization movement. But the results were not commensurate with the agitation, as the South did not have the money to embark extensively upon the enterprise. Nevertheless, Colonel Buford, of Alabama, succeeded in forming an important company of men to go to Kansas. He sold his slaves to provide money for the enterprise, and many other Southerners did likewise and contributed money raised from the sale of their jewelry, even women entering with zeal and sacrifice upon the undertaking. Buford raised two hundred men from South Carolina, Georgia, and Alabama. Many of them were intelligent and capable, although others were ignorant and shiftless. The latter went to recruit the border ruffians and to add to the elements of disorder, and to foment the strife which was to give to the Territory the denomination "bleeding Kansas."

While the South was strongly stirred by what it regarded as an attempt on the part of the North to steal from it a lawful opportunity to establish slavery in Kansas, the North, on its part, resented the effort put forth by the South to frustrate the crusade for the conquest of Kansas in the interest of freedom. As an effect of the organization of the Emigrant Aid Society of New England there had sprung up throughout the country "Kansas Leagues," organized to

promote the purposes which that society was furthering. The next step in the war of sentiment with regard to the future status of Kansas was an attempt to crystallize the feeling of the North as expressed in the numerous leagues. Through Eli Thayer, letters were addressed to the various Kansas Leagues inviting them to send delegates to a convention to meet at Cleveland, June 20, 1856. Responses were general and the convention assembled, but no business was transacted other than the passing of a resolution to reconvene at the city of Buffalo on July 9th. At that time delegates from thirteen States were present. Action was taken toward the forming of a Central Kansas Committee with headquarters at Chicago. The record of the work of the convention in the Boston *Daily Advertiser*, which in part follows, shows the spirit and scope of the movement to force the antagonists of freedom from their hold upon Kansas: "On motion of Gerrit Smith, Eli Thayer of this State was appointed a committee of one to take charge of the systematic organization of all the States friendly to Kansas, for her relief. . . . It is proposed that there shall be formed two classes of Kansas committees, a State committee for every State and a county committee for every county. Each county committee should then appoint a town agent for every town in the county with authority to appoint a solicitor for every school district of the town." It will be seen by these proceedings that the plan of districting the States friendly to freedom was cared for in a thorough manner. Upon the committee appointed by the Buffalo convention was Abraham Lincoln.

The flame of passion in the North invaded the churches, and ministers raised sums of money to supply emigrants not only with a peaceful but with a militant equipment. Henry Ward Beecher addressed a gathering at New Haven, which included many clergymen and members of the Yale College faculty. At the close of his speech Beecher called for subscriptions. Professor Silliman led off with the donation of a Sharpe's rifle, the pastor of the church gave a second, and

many in the congregation followed suit. Fifty rifles were wanted for the equipment of a company of seventy-nine emigrants, who already had some firearms among them. Beecher said that if twenty-five were pledged, Plymouth Church would furnish the rest. Previous to this meeting Beecher had declared that the Sharpe's rifle was a greater moral agency for the slaveholders of Kansas than the Bible, and from this remark the arms of the Northern emigrants became known as "Beecher's Bibles." The Democratic newspapers of New York classed together the "border ruffians" of Missouri and the "abolition ruffians" of New England.

We shall now pause to follow the fortunes of the various settlements effected by the free State people of Kansas. It was impossible that such an ill-assorted population should not be in constant strife and that there should not have been charges and countercharges of illegal practices. Judge Le Compte, the chief justice of the Territory, charged the grand jury in session at Lecompton that the laws passed by the pro-slavery Territorial legislature were of United States authority and making, and that all who resisted those laws resisted the power and authority of the United States and were guilty of high treason. If they entered into combinations to foster resistance to those laws, they were guilty of treason. Acting under the hint given them by this instruction, the grand jury indicted Reeder, Robinson, Lane, and others for treason, without seeking evidence against them. On the 7th of May, Deputy Marshal Fain summoned Reeder to appear before the grand jury. Reeder declined to honor the summons, and the next day, while in the committee room, was placed under arrest upon the charge of contempt of court. Reeder appealed to the committee and claimed exemption upon the ground that he was a witness before the committee, as well as because he was a contesting delegate for Congress. Notwithstanding the fact that Reeder set forth the necessity of his presence in the committee room because of the importance of the matters

under investigation, the marshal was insistent. Reeder thereupon told the officer that he would attempt to arrest him at his peril, as he proposed to enforce his exemption by all means necessary to be employed. Having thus avoided arrest, Reeder escaped from the Territory in disguise. Robinson had started East and was stopped at Lexington, Missouri, where he was detained until the proper legal papers were obtained from Kansas. He was then taken to Lecompton and held prisoner for four months.

On the 11th of May a proclamation was issued by the United States marshal for Kansas, J. B. Donaldson, in which he set forth that the citizens of Lawrence, having resisted the execution of the laws, all law-abiding men should repair at once to Lecompton in order to secure their execution. But the citizens of Lawrence, at a public meeting held to protest against the proclamation of the marshal, declared that the sheriff had been resisted "in no manner whatever, nor by any person whatever," except by Governor Reeder. They avowed their purpose to obey any writs which the United States marshal might serve upon them and expressed their ready compliance with his demand for aid for the execution of the judicial writs in any case where needed. The pro-slavery men responded to the marshal's summons in force and committed many acts of petty annoyance against their opponents. There were instances even of outrage, as when persons sent by citizens concerned for their security to confer with the governor were fired upon and otherwise maltreated. They gathered around Lawrence and behaved as a mob might be expected to comport itself that felt the support of the legal officers. Lawrence was associated in the minds of the border ruffians with all their grievances against the organization which had sent out the men who founded that settlement and who made up its population. Now was the long-desired opportunity to wipe out the hateful town and to send its inhabitants north to Nebraska. For, be it said in extenuation of the conduct of the pro-slavery element, it sincerely believed the purpose of the

Kansas-Nebraska act to be the giving over of the one Territory to freedom and the other to slavery, and its grim determination to drive the free State settlers out of Kansas was based upon this conviction. In its view the latter belonged to Nebraska and there they must go.

The people of Lawrence viewed with apprehension the massing of the marshal's forces and requested Governor Shannon to send them United States troops for protection, but this the governor did not consider the circumstances warranted. A clash occurred on the 19th of May, when a young man returning from Lawrence was shot, presumably by members of the pro-slavery party. Three men from Lawrence went to avenge the attack, and one of them met his death. On the 21st of May the marshal's posse, composed of the Douglas County (Kansas) militia, the Kickapoo rangers, and other companies from eastern Pennsylvania, assembled on the bluffs west of the town under the leadership of Stringfellow. It was as rough a gathering as any frontier district could afford. Supported by their presence, the deputy marshal with a small escort entered the town to make some arrests. No resistance was offered, but Donaldson, having business elsewhere, turned the posse over to Sheriff Jones, whom he represented as a law-abiding man. But Jones was one of the most radical of the pro-slavery element and utilized his authority for the perpetration of acts of outrage. He marched the posse into town, dragging with them five pieces of artillery, but without displaying a Union flag. In its stead they bore banners bearing such legends as "Southern Rights" and "South Carolina." One was adorned with a crimson star in the centre, another with the national stripes, but in place of the Union was a crouching tiger, and yet another with alternate black and white stripes. They proceeded to demolish the offices of obnoxious newspapers, and, although advised by Buford and Atchison not to carry his depredations further, Jones demanded of the representative of the Emigrant Aid Society all the rifles and artillery in the town. The cannon were yielded, but the inhabitants

HANCOCK EAGLE—Extra.
Nauvoo, Illinois, August 20 1846.

PROCLAMATION!

To the

CITIZENS OF HANCOCK COUNTY.

WHEREAS, several state warrants were some days ago placed into my hands to execute against Levi Williams, John McAuley, Geo W. Thatcher, Frank Bolton, Francis M. Bigbee, George Backman, and some FORTY others named in said Warrants: and whereas since the time said writs have been in my hands, the above named, with a majority of those named in the warrants, have been assembled together in the vicinity of Green Plain, and other places in this county, in an armed and hostile manner, evincing a disposition to resist ordinary services; and whereas I am satisfied that it will require a large and efficient force to execute said writs: and whereas I am determined not to be guilty of latches on my part in point of duty to magnify the law.

I, THEREFORE,

In the name of the People of the State of Illinois, call upon all Law abiding Citizens of Hancock County, to meet me on the

Public Square, East of the Temple, on Saturday

The 22d inst. at 9 o'clock A. M.,

Provided with necessary arms, and at least TWO days provision, to aid in the execution of the above mentioned writs.

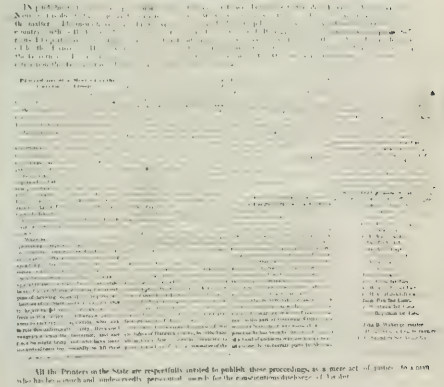
Given under my hand this 20th day of August, A. D. 1846.

JOHN C. BIDAMON,
Special Constable.

NAUVOO, Aug. 20, 1846.



INSULT TO THE GOVERNOR!



All the Printers in the State are respectfully invited to publish these proceedings, as a mere act of justice to a man who has been unjustly and unlawfully persecuted, merely for the conscientious discharge of his duty

Broadsides relative to the troubles with Mormons at Nauvoo, Hancock County, Illinois. *From originals in possession of the Chicago Historical Society.*



refused to surrender the rifles on the ground that they were private property. The cannon were turned upon the hotel and a number of shots fired, after which the place was set on fire. The riotous proceedings ended in the ruffians sacking the town and firing the house of Governor Robinson.

When President Pierce heard of the action of the marshal in summoning a large posse, he wired Governor Shannon that he should send for United States troops to enforce the laws, and notified Colonel Sumner, in charge of the troops, to that effect. These instructions were not received until after the riot was over.

There was one flaming spirit that was not awed by the outrages of the pro-slavery element,—John Brown. This strange character is sufficiently revealed in his actions to need little description of his personality, about which there have been and are widely differing opinions. A few words of introduction, however, will not be amiss. He was a man of Puritanical temperament, stern and inflexible in spirit, a ready subject for fanatical convictions, ascetic in habits of life. He was a visionary, who was constantly seeking to make practical the infeasible schemes of his fertile brain, and as a consequence he was a pronounced failure. His business ventures were unprofitable. He bore through life a burden of debt, and died insolvent. He was a devoted reader of the Bible, and was strongly attracted by the Old Testament narratives relating to vindictive and merciless slaughter. His conversation was interlarded with scriptural texts and was characterized by cant. He was a man fitted for any impracticable scheme and could attract to himself that element of hairbrained adventurers always to be found in the heterogeneous population of a frontier community.

John Brown had long brooded over the conditions of the slaves, and pondered over plans for their liberation. He had acquired the friendship of many Eastern anti-slavery advocates, among them being Gerrit Smith, whose generosity and help Brown had already enjoyed and still later was to experience. When Kansas was opened to settlement,

Brown's four older sons emigrated thither early in 1855, and settled near Ossawatomie. In the autumn of that year, finding themselves harassed by the troubles of the Territory, they appealed to their father for arms, and in response he joined them with the needed supply, taking, also, recommendations to Governor Robinson.

In the turbulent and unsettled condition of the Territory Brown had little difficulty in persuading a small band of men, including some members of his family, to join him in his plans for the avenging of the slaves. It was on the night of the 24th of May, 1856, that the first of Brown's dastardly outrages was committed. He and his followers compelled a man named Doyle and two of his sons to go with the band. What happened has been told by another son of Doyle: "I found my father and one brother, William, lying dead in the road, about two hundred yards from the house. I saw my other brother lying dead on the ground, about one hundred and fifty yards from the house, in the grass, near a ravine; his fingers were cut off and his arms were cut off; his head was cut open, and a hole was in his jaw, as though it had been made with a knife; and a hole was also in his side. My father was shot in the forehead and stabbed in the breast."

The band of murderers then went to the house of a man named Wilkinson, and him too they forced to go with them, although he was caring for his sick wife. So close to the house was this victim murdered that the woman heard the shots which ended her husband's life. This murder was followed by that of William Sherman. The killing of Sherman ended the night's work, for Brown had calculated that five free State men had lost their lives in the Kansas struggle, and had decided that the blood of an equal number of the other party would be sufficient expiation. Just why these particular victims were selected cannot be accounted for, except on the ground that they were known to have threatened the Browns and to have assaulted a storekeeper who had sold lead to the free State faction.

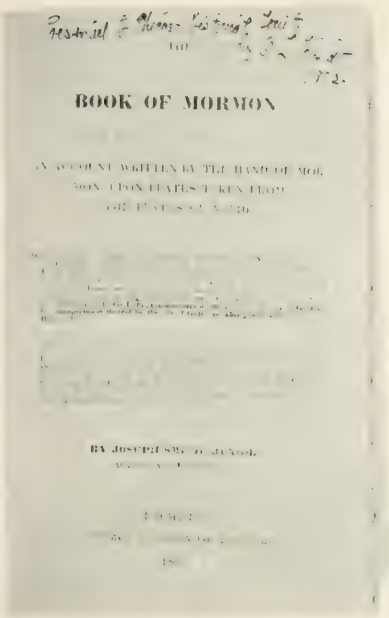
There was no uncertain note in the expression of the feeling which this outrage aroused. Both parties joined in bitter denunciation of Brown and his followers. Governor Shannon despatched a body of militia to arrest the perpetrators of the midnight murders, and the sharpshooters of Westport, Missouri, were sent upon the same mission. The commander of the latter body, Captain H. C. Pate, was, however, taken prisoner by the adherents of Brown. "I went to take old Brown," he said, "and old Brown took me." The condition of Kansas at this time was one bordering upon civil war; every man went armed, and military organizations were called to arms ready for eventualities. The condition rapidly became one of civil war.

Governor Shannon, on June 4th, issued a proclamation commanding all armed companies to disperse, and sent Colonel Sumner in command of fifty United States dragoons to execute his order. He forced Brown to release the Missourians whom he had taken prisoners, but made no arrests. He met a band of two hundred and fifty Missourians under the command of the pro-slavery delegate to Congress, Whitfield, and ordered them across the border. Wandering guerrilla bands of both parties constantly met in bloody conflict. Men went out to till the soil in companies, armed to the teeth, and where the fields were deserted by the men the women undertook their tillage. The first salutation of men unknown to each other was "Free State or pro-slave?" This query was frequently followed by an exchange of shots.

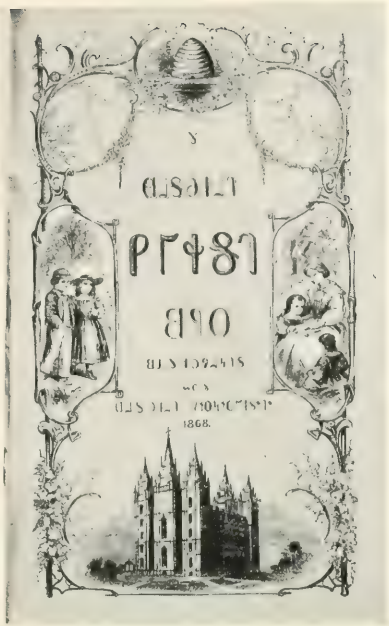
The massacre on the Pottawatomie was so atrocious that for years the friends of Brown were not willing to believe that he was concerned in it. But with the establishment of the facts this was the conclusion arrived at by Eli Thayer, the promoter of the Emigrant Aid Society: "John Brown has now very few admirers except the congenial anarchists and nihilists, who despise all law, and hate all restraints of government." The New York *Sun*, under the date of November 27, 1887, in reviewing the career of Brown, had this to say of the effect of his Kansas performances on the people

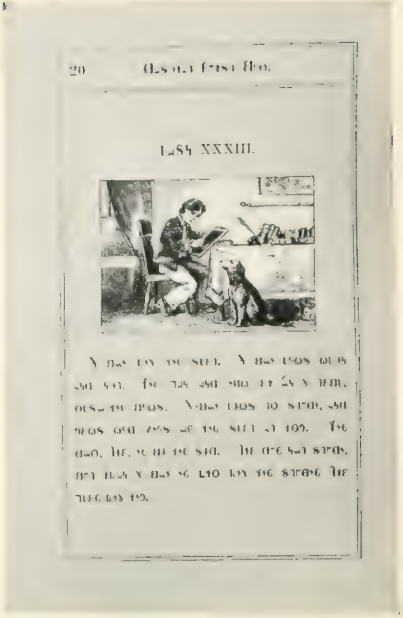
of that Territory: "After his midnight murders in Kansas, all the people about Ossawatomie assembled to express their indignation and to take measures to bring the 'fiends' to justice. Here on most friendly terms met the free-State and the slave-State men. In the overshadowing gloom of such terrible crime, all partisan issues were forgotten. The underlying brotherhood of man asserted itself in unity against an enemy of the human race. But what enemy? John Brown, with characteristic lying, denied that he was present at this massacre, or that he had anything to do with it. No fact in history is now better established than the fact that he was father of the crime and the leader of the assassins."

The pro-slavery leaders, determined to arrest the flood of Northern emigration, laid an embargo on Missouri River, the great waterway from the East to Kansas; steamers were searched, free State merchandise confiscated, and travellers for Kansas whose explanations were not deemed satisfactory were arrested and sent down the river. A shipment of Sharpe's rifles, sent by the Emigrant Aid Company from Boston, was also seized, besides the arms and other property of a party of emigrants from Chicago, the members of which were sent back. These measures, however, were not drastic enough for the more determined of the "law and order" party. The vigorous policy was urged by *The Squatter Sovereign* of hanging "one or two boatloads of abolitionists, it would do more toward establishing peace in Kansas than all the speeches that have been delivered in Congress during the present session. Let the experiment be tried!" These events were the result of the activity of the Kansas Aid Societies during the spring; when large sums of money were raised for the relief of the settlers, followed by considerable numbers of fresh immigrants into the Territory early in the summer. But the blockade of the Missouri would not stop all the avenues of approach—Iowa and Nebraska were available, and by the close of July nearly four hundred persons, made up of the Chicago emigrants, together with companies from Ohio, Illinois, Indiana, Wisconsin, and Massachusetts,



Title-page of *The Book of Mormon.*
From original in possession of the Chicago Historical Society.





Pages of *The Deseret*, First Book, by the Regents of the Deserets, 1868.
From originals in the Newberry Library, Chicago, Illinois.

were gathered at Nebraska on their way to the Territory, and were under the leadership of General J. H. Lane. On learning of the approach of this body, Governor Shannon took alarm, and ordered the commander of the department, General P. F. Smith, to use his forces to keep the emigrants out of the Territory, but this the general declined to do, asserting that the governor's information as to the character and purpose of the emigants was unreliable. Such was the condition of affairs in the emigrants' camp at Nebraska City, that the National Kansas Committee sent Dr. S. G. Howe and Thaddeus Hyatt thither to investigate. These gentlemen found the emigrants to be in a pitiable condition, their clothes in rags, hardly possessed of the meagre outfit of campers, and almost penniless. They compelled Lane to sever his connection with the party, after which the emigrants, dubbed "Lane's Northern Army," entered the Territory. Other companies succeeded this, till, on October 10th, an emigrant party of nearly two hundred and fifty reached the Nebraska line. Here they were detained by Colonel Cooke in command of the troops, and placed under arrest by Deputy Marshal Preston and their equipment searched: this proved to be far from such as a peaceful body of agricultural emigrants would need. The expedition was accompanied to Topeka, where the leaders of the party, S. W. Eldridge, Samuel C. Pomeroy, John A. Perry, Robert Morrow, Edward Daniels, and Richard Realf, laid their written protest before Governor Geary on October 15th, who, after pointing out their suspiciously military equipment, and depriving them of all superfluous arms, disbanded the party; and its members cheerfully dispersed.

In the fall of 1856, Brown left for the East with the object of securing money and supplies for his work in Kansas. His success, however, was not marked, in spite of his vigorous appeals and his influential support. Among the methods he adopted to arouse sympathy and aid, one was no less shrewd than earnest, viz, his appeal "To the Friends of Freedom." In this he points out his personal

sacrifices in the cause of "Liberty in Kansas," begs for support individually and collectively, and asks the newspapers to give his appeal multiplied publicity. Brown appeared before the National Kansas Committee at New York, and as the result of his petition for aid to equip a company of one hundred men, that body resolved on January 24, 1857: "That such arms and supplies as the Committee may have and which may be needed by Capt. Brown be appropriated to his use, *provided* that the arms and supplies be not more than enough for one hundred men; and that a letter of approbation be given him by this Committee." Though considerable amounts and supplies were forthcoming as the result of his mission, it is evident that the outcome was not satisfactory to Brown, for in April he issued from Boston a reproachful and somewhat sarcastic address which he termed "Old Brown's Farewell to the Plymouth Rocks, Bunker Hill Monuments, Charter Tree Oaks, and Uncle Thom's Cabbins," in which he complains of the disappointing results of his appeals for aid. That Brown enjoyed the confidence and support of Kansas free State leaders at this time may be inferred from Governor Robinson's letter to him dated September 14, 1856, which reads in part as follows: "I cheerfully accord to you my heartfelt thanks for your prompt, efficient, and timely action against the invaders of our rights and the murderers of our citizens. History will give your name a proud place on her pages, and posterity will pay homage to your heroism in the cause of God and Humanity."

Through all the conditions of social disorder the Topeka party kept up its organization, and its legislature assembled on July 4th. It was held, however, under military supervision, as Colonel Sumner, under requisition of the secretary of the Territory, who was acting governor, went to Topeka with a considerable force. He ordered the legislators to disperse, but this action was objectionable to the administration at Washington. The president and his Cabinet regarded the assemblage as a "town meeting," and did not

care to suffer the implication of its dispersion under their authority by government troops. Such were the political conditions in Kansas when the presidential election of 1856 was impending. In those conditions are to be found the germs of the social conflict which was to constitute the grave problem of the Buchanan administration.



John Y. Mason. *James Buchanan.* *Jeremiah Sullivan Black.* *Robert J. Walker.* *Isaac Toucey.*

Buchanan and statesmen of his time.

CHAPTER XIV

BUCHANAN'S ADMINISTRATION

James Buchanan, when he took the oath of office on March 4, 1857, did so under conditions as portentous as ever had confronted a president of these United States. In his address, Buchanan pledged his best efforts to the task of restoring harmony and reëstablishing among the people of the several States their former friendship and to the safe-guarding of free institutions. He avowed his belief that he owed his election to the love of the American people for the Constitution and the Union. He declared the not novel tenet of one term in the presidential office, and expressed his intention of administering the affairs of government in such a manner as to deserve the good opinion of his fellow citizens. He dwelt upon the readiness of the American people to abide by the will of the majority, and saw in this the condition for the settlement of all controverted questions. Remarking that, under the Constitution, slavery in a State was beyond the reach of any human power except that of the State concerned, he added: "May we not, then, hope that the long agitation on this subject is approaching its end, and that the geographical parties to which it has given birth, so much dreaded by the Father of his Country, will speedily become extinct? Most happy will it be for the country when the public mind shall be diverted from this question to others of more pressing and practical importance."

On March 6th, President Buchanan sent in his Cabinet nominations, and all were promptly confirmed. Lewis Cass,

of Michigan, became secretary of state; Howell Cobb, of Georgia, secretary of the treasury; John B. Floyd, of Virginia, secretary of war; Isaac Toucey, of Connecticut, secretary of the navy; Jacob Thompson, of Mississippi, secretary of the interior; Aaron V. Brown, of Tennessee, postmaster-general; and Jeremiah S. Black, of Pennsylvania, attorney-general. This Cabinet, notwithstanding its geographical distribution, was a strongly Southern group of men. Those who represented Northern States were, with the exception of Cass, not of the conservative type which in the previous Cabinet had been represented by Everett and Choate. Both Cass and Toucey had been in the Senate, but had lost their places to Republican senators. Black, the third of the Northern men, was a new man in national politics. Floyd had been governor of his own State. Thompson had espoused the doctrine of States Rights in 1850. Brown was a faithful and industrious Democrat, who had served his State as governor. Howell Cobb, while a strong Union man, was deeply imbued with the righteousness of the doctrine of the supremacy of the State.

The slavery question had appealed for settlement to every tribunal the nation afforded, with the one exception of the highest judiciary. But on the very day that Buchanan sent in the names of his Cabinet officers to the Senate, an important decision was rendered by the Supreme Court, whose effect was hardly less influential than the repeal of the Missouri Compromise. At this time the Supreme Court was composed of Chief Justice Roger B. Taney, Justices James M. Wayne, Peter V. Daniel, John Catron, John A. Campbell, all Democrats from the slave States, Robert C. Grier and Samuel Nelson, Democrats, and John McLean and Benjamin R. Curtis, Republicans, from the free States. The chief justice was the representative of an old Maryland family, and had attained to a place of eminence at the Maryland bar. He had been appointed attorney-general by President Jackson, to whom he sustained the relation of a trusted and confidential adviser. He had supported Jackson

unreservedly in his war on the National Bank; and when Chief Justice Marshall died in 1835, Jackson appointed Taney in his place. His long experience in that high position had given him a reputation for accurate knowledge of law and clearness of thought. His written opinions are models of vigorous style. This was the man who was called upon to give an opinion which ranks in importance as one of the greatest ever rendered by a chief justice of the Supreme Court. The case that brought out this important decision was the Dred Scott case.

Dred Scott, a negro, had been taken by his master, an army surgeon in Missouri, to Rock Island, Illinois, and later to Fort Snelling, Minnesota, at that time in Wisconsin Territory, and a part of the Louisiana Purchase, where with the consent of his master, he had married. Two years later his master took him back to Missouri, and Scott thereupon brought suit in the local court of St. Louis to gain the freedom of himself and his family, claiming that residence in a Territory where slavery was prohibited had dissolved his master's claim to his person. The decision was in his favor. His master appealed to the State Supreme Court, which reversed the decision of the lower court. Scott was later sold to a citizen of New York, and brought suit in the United States Circuit Court at St. Louis. The case was decided against him, and he took an appeal to the Supreme Court. The decision of this body was that Scott, being of African descent, was not a citizen of Missouri in a constitutional sense, and therefore the case was not within the jurisdiction of the United States Circuit Court. But the Southern States were not satisfied to have only this question decided, and pressed for an opinion upon the constitutional questions involved. These questions were: First. Can a negro whose ancestors were slaves, and who is a slave himself, become entitled to the privileges of citizens of the United States. Secondly. Was Congress authorized to pass the Missouri Compromise Act "under any of the powers granted to it by the Constitution?" Chief Justice

Taney reviewed the constitutional aspects of the case in their political relations and declared that, as slaves had been recognized by the Constitution as property, Congress was bound to protect their possession rather than prohibit their presence in the Territories. The case had been argued during the winter term which preceded the last presidential canvass, it had been reargued the term following the election, and, as we have seen, was closed just after the president-elect had been inducted into office. All this time the probable decision of the court had been a matter of much political speculation.

It would be difficult to emphasize the profound impression made by this remarkable decision. The South exulted in it, while the North viewed it with mingled sentiments of indignation and alarm. Five out of the nine judges had assented to the majority opinion. Nelson and Grier were content simply to affirm the judgment, while McLean and Curtis were opposed. The departure of the court from the bare necessity of a decision with the immediately related reasons to a discussion of the merits of the questions involved gave to their decision a wide effect. Schouler thus sums up this phase of the decision: "In Illinois, it was held, Scott's status as a slave was controlled by a Missouri domicile; in Minnesota Territory, by the principle that an act of Congress which excluded slavery north of a prescribed parallel, was necessarily unconstitutional and void. And stretching their dictum still further," the majority "resolved the presidential doubt, so meekly expressed two days before, by announcing . . . that slaveholders could carry their slave property into any of the common Territories, and that the people of a Territory could not lawfully hinder the enjoyment of that right until the period should arrive for full admission into the Union as a sovereign State."

One phrase employed by Judge Taney in his decision has received the severest condemnation from the North. But it is only fair to the memory of the eminent jurist to repudiate the perversions of his meaning in his famous

expression that the African race in the United States possessed "no rights which the white man is bound to respect." Justice Taney was, in legal phraseology, setting forth what he conceived to be the meaning of the Constitution, that, as related to the rights guaranteed by that instrument, the negro was an extraneous person. That phrase, however, was caught up throughout the North and attributed to Taney as the expression of his personal feelings and those of his Southern colleagues on the bench toward the unfortunate slaves. Dred Scott received from his master the freedom that the courts had denied him, but the decision which his case had forced became a powerful instrument in widening the breach between North and South.

As an indication of Northern sentiment may be quoted James S. Pike in the New York *Tribune*. He declared that the Supreme Court of the United States had "abdicated its just functions and descended into the political arena." He added that the opinion of the chief justice deserved "no more respect than any pro-slavery stump speech made during the late presidential canvass." But, however lightly they might regard it, or however they might seek to asperse the motives of those responsible for it, this decision of the Supreme Court was a fact of tremendous import. If it were right, the Republican party was altogether wrong, for it was working in an unconstitutional manner. Justice Curtis, in his opinion dissenting from the majority decision, advanced the constitutional argument against the opinion of the court having binding force upon the political consciences of the people. After reviewing the technical steps by which the Supreme Court reached the question of the power of Congress to pass the Missouri Compromise, Justice Curtis, said: "On so grave a subject as this, I feel obliged to say that, in my opinion, such an exertion of judicial power transcends the limits of the authority of the court, as described by its repeated decisions, and, as I understand, acknowledged in this opinion of the majority of the court. . . . I do not consider it to be within the scope of the judicial power of the

majority of the court to pass upon any question respecting the plaintiff's citizenship in Missouri, save that raised by the plea to the jurisdiction; and I do not hold any opinion of this court or any court binding when expressed on a question not legitimately before it. The judgment of this court is that the case is to be dismissed for want of jurisdiction, because the plaintiff was not a citizen of Missouri, as he alleged in his declaration. Into that judgment, according to the settled course of this court, nothing appearing after a plea to the merits can enter. A great question of constitutional law, deeply affecting the peace and welfare of the country, is not, in my opinion, a fit subject to be thus reached."

Amid the whirlwind of disputations and criminations caused by the Dred Scott decision, such voices as those of Curtis and Douglas were the ones that gained respect from their respective sections and guided public opinion. Douglas spoke for the Northern Democrats and skilfully harmonized his popular sovereignty doctrine with the Dred Scott decision, and claimed for the South the full advantage to be derived from the result of the notable case. He said that the master's right to his slave in a territory "continues in full force under the guarantees of the Constitution, and cannot be divested or alienated by an Act of Congress, it necessarily remains a barren and a worthless right unless sustained, protected, and enforced by appropriate police regulations and local legislation prescribing adequate remedies for its violation. These remedies must necessarily depend entirely upon the will and wishes of the people of the Territory, as they can only be prescribed by the local legislatures. Hence the great principle of popular sovereignty and self-government is sustained and firmly established by the authority of this decision."

Now that the negro, according to the construction given in the North to Judge Taney's decision, was declared inferior to the white man, the Northern Democrats argued that slavery was his fit condition. Many even professed

that his reduction to slavery had been a beneficent act. Douglas was replied to by one who was soon to be in a position to give determining utterance upon the great questions which were agitating the country. Abraham Lincoln, the Illinois rival of Douglas, on June 26th, delivered an address which was published in the New York *Times* of July 7th, in which he set forth the Republican position. Said Lincoln: "Who resists the decision? Who has, in spite of the decision, declared Dred Scott free, and resisted the authority of his master over him? . . . But we think the Dred Scott decision is erroneous. We know the court that made it has often overruled its own decisions, and we shall do what we can to have it overrule this. We offer no resistance to it." Contrasting unfavorably the condition of the black man with what it had been at the time of the Declaration of Independence and the adoption of the Constitution, the speaker said: "In those days our Declaration of Independence was held sacred by all, and thought to include all; but now, to aid in making the bondage of the negro universal and eternal, it is assailed and sneered at, and construed and hawked at and torn, till, if its framers could rise from their graves, they could not at all recognize it. All the powers of the earth seem rapidly combining against him [the negro]. Mammon is after him, ambition follows, philosophy follows, and the theology of the day is fast joining the cry. . . . There is a natural disgust in the minds of nearly all white people to the idea of an indiscriminate amalgamation of the white and black races; and Judge Douglas . . . makes an occasion for lugging it in from the opposition to the Dred Scott decision. He finds the Republicans insisting that the Declaration of Independence includes all men, black as well as white, and forthwith he boldly denies that it includes negroes at all, and proceeds to argue gravely that all who contend it does, do so only because they want to vote, and eat, and sleep, and marry with the negroes! . . . Now, I protest against the counterfeit logic which concludes that, because

I do not want a black woman for a slave, I must necessarily want her for a wife. I need not have her for either; I can just leave her alone. In some respects she is certainly not my equal; but in her natural right to eat the bread she earns with her own hands, without asking leave of any one else, she is my equal, and the equal of all others."

President Buchanan experienced no difficulty in assimilating the declaration of the Supreme Court with his political principles. To him the proposition was entirely clear and conclusive that the people of a Territory could not hinder or exclude the holding of slaves until it had come into the Union as a full-fledged State. The president was sincere in his views, and the regard in which he held the Supreme Court justified him in giving his adherence to its decision.

While the Supreme Court was engaged with one aspect of the slavery question, the Territorial legislature of Kansas was occupied with another side of the subject. That body had enacted at its first session that in 1856 the opinion of the people should be taken upon the expediency of calling a convention to form a State constitution. In the meanwhile, Governor Shannon had become weary of the multiplied difficulties of his office. His stubborn efforts to overcome the almost anarchical condition created by the equally intractable opposing parties did not please either faction. The Territorial legislature was repudiated by the free State party who had their own State government and constitution, while the pro-slavery faction insisted on the lawful character of the Territorial legislature. Hence the detailed story of the time forms a catalogue of outrage and counter outrage that kept the governor in a most uneasy position. His last official attempt at peace making was on August 17th, when a treaty was arranged by him at Lawrence between himself and the free State leaders. The opinion expressed at a later date by Governor Shannon seems to convey a fitting commentary on the conditions; he said: "Govern the Kansas of 1855–1856, you might as well have attempted to govern the devil in hell!" So, on



Herschel Vespasian Johnson.

From the painting in the State Library, Atlanta, Georgia.


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August 21, 1856, Governor Shannon resigned. Secretary Woodson, who had served as temporary president of the first Territorial legislature in 1855, became acting governor until the arrival of the new governor, much to the joy of the pro-slavery men, who believed that their interests would now surely receive official furtherance. One of Woodson's earliest acts was to issue a proclamation declaring the Territory to be in a state of open insurrection and calling out the militia. Thereupon, Atchison again entered the Territory, and from a camp that he established at Bull Creek made a descent on Ossawatomie and dispersed the defenders, of whom eight were killed and wounded, and the place was put to the torch. Frederick Brown, a son of John Brown, had been killed by the attacking party on the outskirts of the village. Thus Ossawatomie partly paid the debt of vengeance created by John Brown's massacres of the previous year. Lane with a considerable force of free State men from Lawrence and Topeka made a march upon the camp at Bull Creek, but his intended prey was not secured. Atchison returned to Westport.

Affairs at Lecompton had meanwhile become serious and Lane now determined to attack that place in retaliation for the conduct of the pro-slavery men. He therefore sent two hundred of his force north of Kansas River under Colonel J. A. Harvey, and with the main body of about three hundred moved south of the river with the intention of making a combined attack on Lecompton on September 5th. Harvey arrived on the 4th and awaited Lane's coming, but as the latter had not come up on the morning of the 5th, he departed. Lane arrived during the afternoon, and after a parley with Colonel Cooke, who commanded the United States troops, he withdrew on the assurance that certain free State prisoners in Lecompton would be released and that the Missourians were dispersing. Harvey, however, on leaving Lecompton had learned of the existence of a pro-slavery camp at Slough Creek, about fifteen miles from Lecompton, and he directed his party thither.

A brief encounter resulted in the defeat of the defenders, several of whom were wounded, and considerable plunder that the party had acquired in their raids was taken.

Woodson was not long to enjoy power. John W. Geary, of Pennsylvania, was appointed governor of the Territory and arrived at Lecompton on September 10th. He was associated with the Democratic party and had supported the Pierce administration. When called upon to go to the Territory he went thither with the purpose of administering his office in a spirit of fairness to the whole people. He desired to bring peace to the Territory and expressed himself accordingly in his address on arriving at Lecompton. His concluding words were: "Let us all begin anew. Let the past be buried in oblivion. Let all strife and bitterness cease." At the same time, the governor issued a proclamation requiring the militia and all unauthorized armed organizations to disband. The opposing factions were not, however, in a spirit to yield to his appeals readily; nevertheless, he was successful in preventing a serious conflict at Lawrence on the 15th, when, after a conference with the pro-slavery leaders, he secured the withdrawal of their forces consisting of over two thousand men, well equipped, ready to attack the poorly defended town.

Other matters than the suppression of the unlawful military organizations demanded urgent attention. The governor was not slow to recognize that the affairs of the judiciary demanded reform and he required that judges should administer their duties efficiently and impartially. His influence succeeded for a time in improving matters, so that he could write to the secretary of state at Washington on September 30th: "Peace now reigns in Kansas," and, after a tour of observation, proclaim a day for "thanksgiving and praise to Almighty God for the blessings vouchsafed to us as a people." The legislative controversy, however, was still alive, and until it could be closed no permanent pacification was possible. Governor Geary was impressed with the hope of a compromise and held a conference in December

with Robinson, the free State party's governor, at which it was agreed that the latter should resign and that the Topeka Constitution should be submitted to the people. In pursuance of this plan Governor Robinson went to Washington to endeavor to secure the favorable consideration of the administration; in this, however, he failed.

The free State legislature convened at Topeka on January 6, 1857, but its session was disturbed by the arrest of several of its members by the United States marshal, and a recess was taken till June 6th. On January 12th, the Territorial legislature assembled at Lecompton and was organized. This body was ill-disposed toward Governor Geary because of his even-handed fairness, and secretly determined to pass any measures that he might veto. A crisis soon came as the result of the appointment of a worthless fellow, one Sherrard, as sheriff of Douglas County, whose commission the governor withheld. The ruffian, seeking his opportunity, accosted the governor as he was leaving the legislative halls, and displaying his pistols, threatened to shoot him. The discussion in the legislature over the appointment was strongly suggestive of connivance with Sherrard's outrageous conduct on the part of some of the members. The governor, fearing an outbreak, applied to the general in command of the United States troops at Leavenworth for the supply of two additional companies. It was now evident that the governor had lost his influence with the administration, for the required force was refused, on the ground that the purpose for which it was demanded was not covered by the laws and that the troops were "under orders for other services more distant." The free State men and a large number of the opposing faction rallied to the support of the governor, and many meetings were held at which the outrage was denounced and the governor supported. At one such meeting at Lecompton, Sherrard was present and a riot ensued, during which he was shot.

On the 19th, the legislature passed an act ordering a census to be taken, and calling a convention to frame

a constitution, and appointing the 15th of June for the election of delegates. This bill was vetoed by the governor on the ground that no provision was made for submitting the proposed constitution to the people, but it was passed over his veto, in accordance with the previously adopted understanding of the members of the legislature. Governor Geary having now lost all confidence, tendered his resignation on March 4th, and left the Territory within a week. His successor was Robert J. Walker, who received his appointment on April 10th. He had been associated with Buchanan in Polk's Cabinet as secretary of the treasury. Walker, in his inaugural address, advocated the views of the Northern Democrats and expressed the opinions of Buchanan and Douglas. The Territorial secretary was Frederick P. Stanton, a talented young lawyer who had served in Congress. He went to the Territory in advance of Walker and found that the free State men would not go into the constitutional convention because they would not recognize the Missouri "border ruffians," but they declared their willingness to go into the election of delegates if the voters could be fairly registered and the ballot box protected against manipulation. Stanton replied that, as he did not have power to correct the list of voters, he could do nothing to further their desires in this regard. Stanton reported the views of the free State men to his chief, and a few days after his arrival in the Territory, Governor Walker issued an address to the people in which he deprecated the avowed purpose of the free State men to take no part in the election, and said that the convention would be as much bound by the act of the majority as if all had participated in the election. Instead, on June 9th, the free State men held a delegate convention at Topeka, at which they repudiated the validity of all the proceedings of the Territorial legislature, insisted that the Territory should be admitted into the Union "under the constitution which they have already formed," and provided for a convention to be held at Topeka on July 15th to nominate State officers and confer

NOTICE

TO THE CITIZENS OF HANCOCK COUNTY:

An act of an unanticipated nature has overwhelmed me with distress, and now prompts me to call upon you in this public manner to extend to me, and the consideration of this deplorable event, that calmness, which our unhappy county difficulties may make desirable for each of you. I desire not to appeal to you for sympathy, or exculpation, for myself; the rancor of those whose hatred is perhaps felt, and which the unhappy death, by my hands, of a man, deserving sympathy and popular esteem, will naturally tend to influence—while I more deeply deplore this event than either of you possibly can, I should do injustice to my self and those endeared to me more than life, if I withheld from you the assurance, that I feel sustained, by the conviction of my satisfaction in this act of self defence. I do not wish, by this address, even to controvert the statements prejudicial to the truth that must give circulation respecting this event.—I throw myself upon my God and country for justice; and whatever may be the result, I shall cheerfully and unreestingly submit to the verdict.

MINER R. DEMING.

Carthage, June 24, 1845.

NOTICE.

Messrs. JOHN WOOD and WM. F. KARNES have just returned from the place where the Mormons who have left Nauvoo are encamped, and represent that they are in need of all kinds of clothing, materials for tents, shoes, &c., it is believed that half worn or old clothing if not too much worn would be acceptable to them. Some goods are to be sent them from this place by the first boat, all who will contribute any thing in any of the articles named, may immediately leave the same at the office of *H. Asbury* on the east side Public square, or at the ware house of *Joel Rice* under the hill.

September 23. 1846.

PROCLAMATION No. 2.

TO THE CITIZENS OF HANCOCK COUNTY, ILL.,

AND THE SURROUNDING COUNTRY.

It is truly painful that my first Proclamation did not have the desired effect of quelling the mob in Hancock county; I was strong in the hope that when men engaged in such fiendish and wicked purposes, come to reflect after the excitement of the moment, would cease, and go to their homes.

The burning and destruction of houses and other property was commenced on the 10th day of September instant, by a body of armed men, who gathered in the south west part of this county, headed, as it is said, by the notorious Levi Williams; the mob is spreading itself in different directions; some of the gang have been in pursuit of me since Wednesday afternoon about 3 o'clock; they have pursued me on the public road and have threatened my life; they leveled their arms at me, and desisted only when fired upon and the fear of death put them in mind of their illegal mobproceedings. On yesterday, an armed force undertook to take me; I became apprised of their intentions—evaded them, and fled to Bear Creek, where I had a posse comitatus, and from thence I repaired, for the second time, to Warsaw, to ascertain if any reliable force could be procured in that place. I become satisfiedthat I could get no aid from that place.



Broadsides relative to the troubles of the Mormons. *From originals in possession of the Chicago Historical Society.*

on matters of the public interest. Simultaneously the free State legislature authorized the taking of a census and the election of State officers. At the election on June 15th, therefore, hardly more than one-tenth of the men in the Territory voted. The slave State candidates consequently were elected.

The free State convention met on July 15th and resolved to call a mass meeting to be held at Grasshopper Falls in August to decide what steps should be taken in respect of the October election; it also resolved that General Lane be appointed to organize the people in the several districts for the protection of the ballot box. This meeting was held on August 26th, and finally resolved to take part in the October election, and, furthermore, appointed a Territorial Executive Committee.

The delegates to the Lecompton convention met on September 7th, but the convention adjourned immediately after meeting in order that it might await the results of the October election for members to the legislature. Governor Walker had convinced the free State men that they would gain nothing by refusing to take part in the election, and when the election occurred the free State men carried the Territory by a majority of nearly four thousand in a vote of eight thousand, and elected the delegate to Congress, nine of the thirteen councilmen, and twenty-four of the thirty-nine representatives. The election was the least fraudulent that had yet taken place in the Territory. The convention reassembled for the framing of a constitution a few days after the election, when it drew up a constitution which, upon the question of slavery, contained alternate clauses. The one permitted the institution without restriction; the other, that slavery "should no longer exist in the State of Kansas, except that the right of property in slaves now in this Territory shall be in no measure interfered with." It continued further: "The right of property is before and higher than any constitutional sanction, and the right of the owner of a slave to such slave and its increase

is the same and as inviolable as the right of the owner of any property whatever." A limiting provision forbidding the altering of the constitution until after the year 1864, and then not allowing any alteration of the section just quoted, riveted slavery upon the new State as with bands of steel. The convention proposed to refer the constitution to the citizens of the Territory, only that they might vote "Constitution with slavery" or "Constitution without slavery." December 21st was appointed as the day upon which the people would be given an opportunity of voting upon the constitution, and the 4th of January following was announced as the date of the general election, when State officers and members of a legislature would be chosen.

Governor Walker denounced the Lecompton convention. He made haste to lodge complaints at Washington against the local conspiracy of a group of unprincipled men to cheat honest free labor out of its rights. He demanded the free and full submission of the proposed constitution of the Territory. He declared that the assurance had been given to the people that they should pass upon the plan of their local government, and that the personal integrity of himself and his secretary was involved, and that they had given their promises to the people of Kansas upon the president's personal word. Governor Walker found, however, that by declining to become a party to or to countenance irregularities, he had been made an object of attack by the pro-slavery element, who were working with the administration to secure his removal. He further discovered that the Lecompton scheme had received the full approval of the president and his Cabinet. Walker did not have to wait long for evidence of the averted favor of Buchanan. Secretary Stanton was removed by order of the president on December 16th. Meantime, Stanton had convened the legislature in extra session on the 7th. The act authorizing the Lecompton convention was then repealed, and it was resolved that a full and fair vote of the people should be taken on January 4th, not merely on the question for or against slavery, but also

"against the constitution framed at Lecompton." It was evident to Walker that his retirement would be favored by the executive, and he resigned in 1858 after one year's incumbency of the office of governor.

The autumn of 1857 witnessed a serious financial panic, which extended from August to October. It was presaged by a rapid decline in the value of stocks and bonds from June to September. In August came the failure of the Ohio Life and Trust Company, and then, one after another, insurance, banking and railroad corporations became involved. The lowest point was reached when in the middle of October an excited run upon the banks of New York City caused them to suspend specie payments. Other banks followed the example, and a hard winter brought much suffering to the people. In New York alone it was estimated that forty thousand mechanics were unemployed, while throughout the country the ranks of idle workmen numbered more than at any time for two decades past. The country was slow in recovering from this panic, although during the last two months of 1857 and the early months of 1858 the leading industries of the country gradually recuperated. Trade had suffered throughout the Union from an inadequate currency, and business ventures undertaken in a spirit of recklessness, the over confidence of the people, and new forms of capitalistic combinations were responsible for the business collapse. The general issuance of scrip by the local banks was symptomatic of the state of public credit. The West was heavily in debt to the East and the East was debtor to Europe. By reason of its restricted enterprise, the South suffered less than other sections of the country.

The political situation throughout the country during the fall of 1857 was chiefly interesting for the practical elimination of the American party. The Lecompton convention's action did not enter into this contest, as it was too early for its national significance to influence party destinies. There were not wanting symptoms of the approaching

disruption of Democracy, as the factions in that party invariably added to the strengthening of the pro-slavery ideas.

The Thirty-fifth Congress convened on December 7, 1857. The House organized by selecting John L. Orr, of South Carolina, as Speaker. The president transmitted his message on the second day of Congress, reviewing the history of affairs in Kansas and relating existing conditions, and urged the admission of Kansas under the Lecompton constitution. However, Congress did not propose to consider the condition of Kansas until after it had received official results of the Constitutional election. We have seen that the convention, representing the minority of the voters, had declined to submit the constitution to the people of the Territory except that clause relating to the question of slavery. When election day, December 21st, arrived the free State men again refused to vote so that the pro-slavery clause was adopted by about ten to one. The choice of State officers was to be made on the 4th of January, and the free State men were uncertain as to what attitude they should assume toward this election. Some looked upon the casting of their ballots as farcical, while others argued that the free State men, being in the majority, were bound to embrace any chance of securing control of the government. The free State men divided, some entering the contest and others refraining. The vote showed 10,226 against the candidates favorable to the Lecompton constitution. "That vote, though it did not escape irregularities of form, showed incontrovertibly the drift of public sentiment in the Territory." The extreme pro-slavery men took no part in this election.

On the 2d of February, 1858, the president sent the Lecompton constitution to Congress with a special message and used all the force of official patronage and his party majorities to secure the admission of Kansas as a slave State. The course of Buchanan with regard to the Kansas imbroglio was one of inconsistency. There was some extenuation for his recognition of the Territorial legislature which owed its



Very Rev. Thomas Isaac Hecker, first superior of the Congregation of St. Paul. Founder of the Paulists. *From the painting by G. P. A. Healy, now in the Newberry Library, Chicago, Illinois.*

existence to fraud and outrage, but what justification was there for his sanctioning the subversion of that legislature when the free State element came to dominate it? In his message he called upon Congress to terminate the unseemly contest, but his advocacy of peace was peace with dishonor, the peace brought about by the seal of approval placed upon a minority constitution. The president declared in his message that "Kansas at this time is as much a slave State as Georgia and South Carolina," and added that the rejection of the constitution would be "keenly felt by the Southern States where slavery is recognized." The message evoked vigorous discussion in the Senate, in which Douglas, Trumbull, and other leaders took prominent part. The discussion ended by the Senate's referring the message to the Committee on Territories, having first voted down an amendment to inquire into the number of votes cast at the several elections in Kansas and to ascertain whether the same were in compliance with the law and to find out what portion, if any, of the said votes was fraudulent and illegal. This amendment had been offered by Mr. Wilson and was intended to secure as near as might be a full investigation of all political matters in Kansas, but it was rejected by a vote of twenty-eight to twenty-two. In the House, a motion to refer the president's message was made, but to a select committee of fifteen, with instructions to ascertain the circumstances of the adoption of the Lecompton constitution in order to find out whether or not it was an expression of the will of the people. The motion was adopted by the House by a vote of one hundred and fifteen to one hundred and eleven. The Speaker of the House, unfavorable to the motion to investigate but unable to obstruct it, appointed on the committee eight members who had been opposed to an investigation and seven who favored it.

For nearly two months the debate continued in the Senate. On the 4th of March, the Senate committee brought in three reports. Green, representing the majority, reported that as the free State men had failed to accomplish the work

of majorities, they had disproved their claim to numerical superiority; Collamer and Wade took the view that the Kansas Territorial government had never been legally organized, but that the alleged organization was accomplished by Missouri borderers; Douglas submitted a separate report, which simply set forth that the Lecompton constitution was not the work of the people of Kansas and did not express their will. The courageous stand which Douglas had taken in opposition to his fellow Democrats, who favored the Lecompton constitution, won him regard among the Republicans and brought him at that time close to that party. The debate which followed the submission of these reports was prolonged and bitter.

Speaking for the slave States, Toombs said: "This question involves the honor, rights, and safety of fifteen States, to whom the principle involved is of higher value than the Union itself."

The bill prepared by the friends of the Lecompton constitution passed the Senate as an administration measure, with an amendment added at the very last point in the debate, recognizing the right of the people of Kansas to alter or reform their constitution later after the forms of law. An amendment offered by Crittenden that the present constitution should once more be submitted as a whole to popular vote, was defeated. This last effort in the direction of compromise having failed, the bill, as has already been observed, was carried, the vote being taken on the 23d of March, 1858, and standing thirty-three for to twenty-five against.

But the House was the arena of the people and here the vote was fixed for April 1st. Isaac I. Stevens led the Lecompton forces and busied himself in endeavoring to bring the Northern Democrats into harmony with the Southern advocates of the measure. On the day appointed for the vote there was but one seat vacant, that of a sick member from Missouri. At one o'clock Stevens, author of the majority report, which declared that many States would

view the rejection of Kansas "with extreme sensitiveness, if not alarm," moved to take the bill for the admission of Kansas under the Lecompton constitution from his special committee. But William Montgomery, a Democrat of Pennsylvania, claimed attention for a bill framed along the lines of the Crittenden amendment in the Senate. John A. Quitman offered the bill adopted by the Senate without the clause according Kansas the right to alter its constitution. The first of these measures, that of Montgomery, was adopted by a vote of one hundred and twenty to one hundred and twelve.

On the 13th of April, the Senate asked the House to unite in a committee of conference. Green, Hunter, and Seward composed the conference committee on the part of the Senate, with William H. English, Stevens, and William A. Howard acting in behalf of the House. On the 23d, a majority report was submitted, from which Seward and Howard dissented. It offered to the people of Kansas in connection with the constitution a large grant of land. If they accepted the land they were to take also the constitution; if they decided not to take the land with the constitution they could not become a State until the Territory had acquired a population sufficiently large to elect a representative to the House. This curious and discreditable bribe was spurned by the people to whom it was offered. Howard expressed their feeling when he said "it offered a premium to Kansas to become a slave State; but he thought that if the people could have a fair chance, they would reject it four to one." Its spirit and purpose were tersely expressed and characterized by Crittenden, whose adherence to slavery relieves him from any imputations of prejudice, as follows: "This measure says to the people of Kansas; 'If you choose to take this Lecompton constitution with all its imperfections on its head; if you choose to silence all the complaints and all the denunciations which you have made against it; if you choose to humiliate yourselves as freemen by a confession of as much baseness as that would imply, then, no matter what your numbers are,—we shall make no inquiry,—but

come into the Union at once, with all the dowry of land. But if you will not come in on these conditions, then you shall not come in at all until your population shall amount to that number which is fixed by the general law as the representation throughout the country."

In the Senate, the conference measures encountered opposition as earnest and determined. Douglas remarked scathingly that "some of that glorious band of Democrats" feel it their duty to support the bill; "I never could consent to violate that great principle of State equality, of State sovereignty, of popular sovereignty." He declared that, having taken this position, he was willing to go wherever his principle logically carried him. Seward declared that the bill came back from the conference chamber in the shape of "an artifice, a trick, a legislative legerdemain." He predicted that Kansas would survive the persecution of the party standing for slavery, and that in the future every Territory that should come into the Union, profiting by the sufferings and atonement of Kansas, would come in as a free State. Yet, with all the opposition brought to bear against the conference measure, it was adopted on April 30th, and received the ready signature of the president. The vote of the Senate was thirty to twenty-two, and that of the House one hundred and twelve to one hundred and three. But Kansas brushed aside the largess of public lands and the Lecompton constitution together on August 2d, when, pursuant to the proclamation of the president, the polls were opened for the expression of the sovereign sentiment of the people. The free State voters of Kansas rallied and rejected the measure by a majority of ninety-five hundred, choosing rather to remain a Territory than to become a State at such a sacrifice of principles and of character.

And now a brief respite from the commanding question of the day may be secured for the consideration of matters not so immediately connected with slavery. The William Walker expedition of April-December, 1857, which had been undertaken for the purpose of filibustering among the

Central American people, had miserably failed. By a treaty of capitulation procured from the Costa Ricans through the mediation of an American naval officer, Walker and the principal officers of his expedition were to be taken to Panama, whence they might proceed to New Orleans. Walker, however, undertook again to get together a company to spread revolution among the Central American republics. Early in November, 1857, he was arrested on the charge of violating the neutrality laws, was released on bail, and made his way with a company of adventurers by steamboat to Greytown, where he arrived on the 25th of the month. On December 6th, Commodore Paulding, who had sailed into Greytown harbor with the frigate *Wabash*, quickly dispersed this new expedition.

In 1830 the Mormon Church had been founded at Palmyra, New York, by Joseph Smith, who claimed to have found the *Book of Mormon*. He represented this book to be in the shape of metallic plates, and to contain the history of the ten lost tribes of Israel. There were also revelations making provision for the establishment of a church. In addition to the instructions given in the *Golden Bible*, as the book was called, Joseph Smith had visions in which he received directions for the successive movements of those who constituted the Church. The first meeting of the converts was held at Fayette, Seneca County, New York, and six members of the body were appointed elders. Of these Joseph Smith was the chief.

But almost immediately Smith was divinely informed that not Palmyra, but Kirtland, Ohio, was to be the home of the new faith. And with this move began the wanderings of the Mormons westward until they finally found a resting place on the shores of the Great Salt Lake. First they went to a place near Independence, Missouri, then to Clay County, and thence to Caldwell County. In 1832, Brigham Young joined the Church and was ordained an elder. In 1840, by order of the Governor of Missouri, the Mormons, or as they now called themselves, the Latter Day

Saints, were forced to remove to Illinois, and fourteen miles above Keokuk, on the banks of the Mississippi, they established the town of Nauvoo.

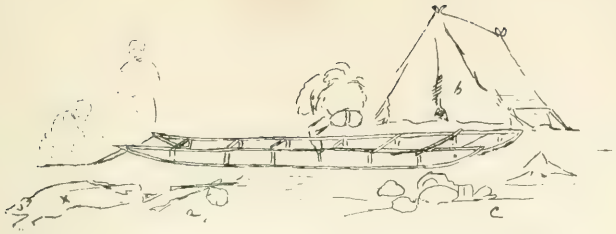
It was at this time that the Mormon Church began to have an influence in national politics. The elders of the Church had been vigorous in proselyting, and by converts from the United States and from abroad had largely increased the power and influence of the sect. The leader is said at this time to have controlled a militia of three thousand, and six thousand votes besides. So alarmed were the neighboring "Gentiles" at this growing power that they petitioned the Governor of Illinois to expel the Mormons from the State. About this time occurred the death of Joseph Smith, who was shot by some seceding Mormons because he had suppressed a newspaper which they had established. His death brought despair to the ranks of the church, but in Brigham Young was found a man well able to carry on the work which Smith had begun.

During the years of 1845 and 1846 the Mormons of Nauvoo made great preparations for their removal to the West, where their leaders, under Brigham Young, were searching for a spot suitable for the founding of a new city. The place finally selected was on the shores of Salt Lake in territory which belonged to no State, and where, consequently, the Mormons would be free to follow their religion without interference. On the 22d of August, 1847, the city was given the name of "The City of the Great Salt Lake," and by the fall of 1848, the town had been laid out, buildings erected, and the fields of the neighboring country had been made to yield a harvest. The war with Mexico having transferred the surrounding country to the sovereignty of the United States, a convention of the Mormon settlers was held in Salt Lake City on March 4, 1849, which adopted a constitution for the government of the State of Deseret, and a Territorial delegate was sent to Washington. But his application was rejected through the hostility of Illinois Democrats.

In 1857 rebellion broke out among the Mormons in the Territory of Utah. The administration was not greatly concerned about the polygamous practices of the Mormons which they had adopted since settling there, but those who had wandered westward had founded a government outside of the jurisdiction of this country, and the United States was determined to bring them to a proper sense of obedience to the Constitution and laws of the United States. The Mormons had organized their civil government. While the political machinery of Salt Lake City was after the American model in general respects, and contemplated Gentile residents as well as Mormons, the Mormon inhabitants were to be directly responsible to the head of their Church. Thus a theocracy was established, at the head of which was Brigham Young. Although the Mormons had sent a delegation to Washington seeking admission to the coming Congress, it is more than probable that this was but a disguise of their real intention to maintain a practical independence of the Union. President Fillmore had appointed Brigham Young Territorial governor, and when in 1857 Buchanan showed a disposition to depose him the Mormon population rose in rebellion. Judges of the Territorial courts were compelled to flee for their lives and justice was at a discount. The Mormon Danites, or "Destroying Angels," were set apart and bound by a strong oath to pillage, plunder, and murder. President Buchanan appointed as the new Governor of Utah, Alfred Cumming, and also filled the other vacancies. A detachment of regulars, under General Johnston, accompanied the new officers to the Salt Lake region. Brigham Young, declining to recognize his supersedure, forbade the armed forces to enter the Territory and called upon the people to repel them. Mormon forces captured the supply trains of the soldiers and compelled General Johnston to send an expedition to New Mexico for new supplies. Buchanan and his secretary of war asked Congress to provide for ten fresh regiments, five of which should be detailed to subdue the Mormons.

A bill to that effect was introduced, but failed of passage because the use of Federal troops was regarded with suspicion on account of their employment to put down the free State movement in Kansas. Nevertheless, Utah was brought to realize the futility of armed opposition and yielded to the peace commissioners sent out by the president with offers of free pardon, excepting to those who should persist in their disloyalty.

The Mormon movement was but one expression of the new forms of social and religious impulse that were characteristic of the mobile state of society, particularly in the West, to which the tide of foreign immigration was bearing all sorts of visionaries, whose brains teemed with dreams of social regeneration or who sought to sow in the virgin soil of a sparsely settled country the seeds of communistic and other propaganda which they brought over from the Old World. Western New York, which saw the rise of Mormonism, was particularly fertile in this class of experimenters. There the disaffected elements of the population supplied many disciples to the principles of socialism as expounded by Robert Owen and Fanny Wright and to the impracticable communistic principles of Fourier. Mesmerism, clairvoyance, phrenology, and whatever partook of the mysterious and occult, found enthusiastic devotees; while the religious unrest was manifested in a multiplicity of new sects, among them the little band of Adventists, who, believing in the prophecies of their seer, William Miller, ascended a high hill on the day which he had appointed and patiently waited for the trumpet call that should proclaim the consummation of all things earthly. Not alone among the ignorant and lowly did this longing for the mystic and the desire to rise above the petty trammels of the everyday routine of life find expression, for in New England, the centre of culture and attainment, the transcendental philosophy of Ralph Waldo Emerson gathered together such choice spirits as Thoreau, Margaret Fuller, and Nathaniel Hawthorne in the queer experiment of the Brook Farm, a



1

The Faith.

A Sketch of our Sledge the Faith - Dimensions { 13 feet long. 4 broad 8 inches high -
Q Sand ½ Tent. - C Provisions
{ There are Five more beneath the Canvas of
{ a dead bear at X if you choose -

2. Return of Depot Party. No 3. Side

A Sledge as in Number 1. above. with four men
rolled in buffalo robes - upon it and 9 men
harnessed in. and dragging it through deep snow

3 Portrait of Old Frois - Let any suitable
read description and work up from one
of Landseer portraits -

4 The Rescue Party. Eight men at a dog trot
- One running ahead - a light Sledge and one
man lying upon it at full length asleep wrapped
in furs - a bear in distance  of this
Shape -

5 "Passage through the bergs". A double crowd
of bergs - a single Sledge with seven Dogs
Clambering over bergs of ice eight or ten feet high
two men walking there No. 2. Side

Page of Dr. Kane's manuscript relating to illustrations. *From the original in possession of the Historical Society of Pennsylvania.*

community that sought to put into actual practice the ideals of a simple life, close to nature's heart.

The period was productive, however, in more serviceable ways than attempts to realize at a bound the ideals of society. Many experienced laborers in the field of existing conditions and using the implements at their hands upon which civilization at all times has depended for the securing of permanent gains made the period illustrious for achievement in literature, the sciences, and the arts. The cause of higher education gained added impetus from the bequest of over half a million dollars which James Smithson, of England, gave by will for the founding of an institution of learning in Washington, which was to bear his name. Congress accepted the gift, and, after the estate had been rescued from the clutches of the English Court of Chancery through the efforts of Richard Rush, plans were formulated for the organization of the Institute which, under the administrative conduct of Joseph Henry and Spencer Fullerton Baird, rapidly gained a commanding position in the field of scientific research.

During this period of the nation's growth many new names were inscribed upon the roll of successful attainment in American literature. In history, Prescott, Bancroft, Draper, Motley, and Jared Sparks made valuable contributions. The names of Nathaniel Hawthorne, William Gilmore Simms, John P. Kennedy, Robert M. Bird, and Miss Sedgwick, although not standing for parity of excellence, are all deserving of recognition as pioneers among American writers in the field of romance; poetry, meanwhile, contributed to the literary annals of the country the works of Longfellow, Whittier, Lowell, Edgar Allen Poe, James G. Percival, and Nathaniel Willis. Philosophical research was promoted by the labors and writings of Carey, Lieber, and Franklin Bache; science received the contributions of Asa Gray, Audubon, and Alexander Dallas Bache, while in the new field of electromagnetism the investigations of Joseph Henry and the inventions of Samuel Finley Breese Morse

gave to the world the system of telegraphic communication. Theology was graced by the writings of Norton, Barnes, and Lyman Beecher, and in the Roman Catholic Church, an evangelical movement, under the leadership of the Rev. Thomas Isaac Hecker, C. S. P., resulted in the organization in New York, in 1858, of the Paulist Order, under the name of the "Congregation of the Missionary Priests of St. Paul the Apostle." This order was in the nature of a response to the charges brought against the Roman Catholic Church by the Know-nothing party that that church was dominated by political rather than spiritual aspirations. In jurisprudence, the works of Wheaton, Story, and Chancellor Kent gave to the period a particular and lasting glory. In philology, the erudition of Noah Webster produced a work that gradually superseded the accepted Worcester as the standard American dictionary, while Bernard by his writings on pedagogy and Horace Mann by his practical ideas of education brought the public school system of the country to a high state of efficiency, and, aided by a host of text-book writers whom their labors called into being, paved the way for the present high appreciation of the value to the nation of the public school system of elementary education.

The possibility of the discovery of a northwest passage through the Arctic Ocean had always exercised a peculiar fascination over the minds of both navigators and scientific investigators. This futile search resulted in the complete destruction of the expedition commanded by Sir John Franklin, of the Royal British Navy, which sailed from Greenhithe, on May 18, 1845, and was last spoken at the entrance of Lancaster Sound on July 26th of the same year. Thirty-nine relief expeditions were sent out between 1847 and 1857, in which latter year the expedition sent out by Lady Franklin and led by Lieutenant McClintock, secured confirmatory evidence of the total loss of the expedition. From a paper which was found, containing an entry of Captain Fitzjames, of the expedition, it was learned that Franklin had died June 11, 1847, after having penetrated to within

twelve miles of the northern extremity of King William's Land. Among the numerous relief expeditions was one sent out by Henry Grinnell, of New York, in 1850–1851, and the second Grinnell expedition, which owed its organization in a large measure to the interest and financial aid of George Peabody, an American philanthropist, whose benefactions served to accentuate in many directions his public spirit. This second expedition sailed in 1853 under command of Dr. Elisha Kent Kane, whose experience in the first expedition particularly fitted him for the undertaking. The definite object of the voyage was not accomplished, but the party penetrated as far as Cape Constitution in latitude eighty degrees fifty-six minutes north and was more fruitful in its additions to geographical and scientific knowledge than any preceding Arctic exploration. Toward the south, exploring parties penetrated far into the unknown Antarctic, notably the expedition which sailed from Norfolk, Virginia, in 1838, under command of Lieutenant Charles Wilkes, of the United States navy, and which covered over eighty-five thousand miles among the islands of the Southern Pacific and skirted for many leagues the frozen shores of the Antarctic continent.

The first half of the nineteenth century, which had witnessed vast increments to the national domain and the carving of the acquired territory into sovereign States, had been marked as well by an influx of foreign population attracted by the opportunities presented by the far West for the hardy toilers from other lands. The country was thus brought to face a new class of problems. For the first thirty years the increase from immigration had, however, been inconsiderable. But in the next decade the average immigration amounted to three thousand a month. This was largely due to the monarchical reaction in Europe and the voluntary expatriation of the friends of liberty. From 1840 to 1869 there arrived in the United States over five and a half million people, a number greatly in excess of the total population at the taking of the first census in

1790. But the tide of migration westward was not so largely directed from Europe as it was derived from there, for immigrants shrinking from the long and untried journey to the West settled in large numbers in the eastern centres, while, under the impact of their coming, a movement of native population westward was created that left a vacuum in the labor markets of the East. Thus the immigrant found his services, other than as an agriculturalist, in demand in the East so that the West became leavened by native Americans whose presence saved it from being dominated by foreigners and foreign ideals. The homestead policy of the national government, its liberal naturalization laws, coupled with the enterprise of transportation companies, served to give increasing volume to the tide of humanity that swept over the Alleghanies and peopled the Mississippi Valley. This volume attained its maximum during the decade ending in 1850 and was derived chiefly from Ireland and Germany. The Irish famine of 1846 and 1847 accounted for the increase in the immigration from Ireland, while the futile revolution of 1848 explains the direction of a large number of Germans to America. The reports sent to friends at home by the early immigrants who had domiciled in the United States and found relief from the conditions of poverty that had driven them afield had more than any other influence to do with the popularity of America in the eyes of the downtrodden and oppressed peoples of other lands.

One manifestation of the new conditions brought about by immigration was the organization of labor unions synchronously with their origin in Great Britain. This was in 1830 and their progress from the beginning was rapid. The resulting class consciousness led to the nomination of a workingmen's ticket in New York and the election of one assemblyman. The political movement spread into Pennsylvania and several other of the manufacturing States, but developed no lasting strength. The three most important labor organizations formed prior to the Civil War appeared



Stephen Arnold Douglas. *From the portrait painted in 1861 by Lussier, now in possession of the Chicago Historical Society.*

in 1845,—the New England Workingmen's Association in March, the New England Protective Association in September, and the Industrial Congress of the United States in October. These movements were largely socialistic in character, their demands were indiscriminate, and their membership included both skilled and unskilled workmen. All three organizations rapidly declined in the early fifties, and from that time till after the Civil War, the labor movement was restricted to the formation of local bodies, few of which had any national affiliation.

The rapid development of the United States is to be credited to the facility with which, by means of transportation lines the remoter parts of the country have been bound to the centres of trade and exportation. The work of commercial development which the nations of Europe accomplished through the painful processes of centuries the young republic accomplished in a decade. Often the railroad went ahead of the pioneer and marked out for him the line of his progress. The eager reach of the rail was the potent evidence of the invincible spirit of trade conquest of a people who were impatient to get to the far sources of untouched mineral and agricultural wealth. The story of the railroads is the story of the expansion of the national life and in it is involved the history of many of the economic measures of the nation. Nothing short of a transcontinental line to bring the Atlantic and the Pacific into connection could satisfy the measure of the people's ambition and such a line was projected, although its actual beginning was reserved for the administration of Lincoln.

Another of the peaceful accomplishments of the period that saw the generation of the spirit of fratricidal warfare was the laying of the first Atlantic cable by Cyrus W. Field; a work which was completed on August 16, 1858. This magnificent feat of binding the continents by the chain of communication was signalized by the interchange of salutations upon the completion of the work between Queen Victoria and President Buchanan.

CHAPTER XV

THE IMPENDING CONFLICT

The enthusiasm for the Republican party exhibited during the campaign of 1856 apparently was not to be manifested in the elections of the following year. Those who had supported the party, influenced by the hope of success, and those who had been led by the hope of sharing in the spoils of victory, fell away under the blow of Frémont's defeat. The outlook for the Republicans during the summer and early fall of 1858 was most discouraging, but the apathy, particularly in the Northwest, was more apparent than real, and began to be dissipated after the contest had been fairly entered into. The New Orleans *Journal* warned its readers that "The Republican Party seemed on the brink of dissolution, but has recently been galvanized into renewed symptoms of vitality and vigor." When the returns came in from the fall elections in the States, it was seen that the Republicans had made large gains. The Lecompton Constitution and the Dred Scott decision had evoked a vote of condemnation of the Democratic party throughout the North. New England had gone solidly Republican, while in the Northwest, Ohio, Indiana, Iowa, and Michigan showed a largely increased Republican vote. New York elected a Republican governor and three-fourths of the Congressional districts were also carried by the new party. Buchanan's own State, Pennsylvania, defeated the Democratic State ticket by a majority of twenty thousand.

Interest centred throughout the campaign on the contest in Illinois. There, Stephen A. Douglas was a candidate for reëlection to the Senate. The Democratic State Convention had expressed its approbation of his course in the discussion on the Lecompton Constitution and had endorsed his candidacy. Nevertheless, his recreancy to the programme of the administration had caused some of the leaders to endeavor to compass his defeat. The Republican party placed in nomination as its candidate for the senatorship, Abraham Lincoln.

The man who thus stood opposed to the Democratic leader whom men called the "Little Giant," had comparatively little to recommend him to the people of Illinois. Certainly he made a poor contrast to the record of his adversary. Lincoln was born in the slave State of Kentucky, on February 12, 1809, his father, Thomas Lincoln, being at that time engaged in farming in Hardin, now La Rue County. Accustomed to poverty and hardship from his youth, with few incentives to ambition, Abraham Lincoln must have owed to some inscrutable combination of mental influences his power to rise superior to his early environment. At the age of seven years, young Lincoln was taken by his parents to Indiana, where the family resided until he was twenty-one, when his father removed to Illinois. The opportunities for acquiring an education were meagre; his choice of books was small, but such books as he could procure, he not only read but studied. Shakespeare and Burns were his favorite authors and their works, in addition to the Bible, formed the foundation of his literary education, and afforded an intellectual discipline which developed in him an unusual acuteness of mental judgment. Lincoln was preëminently a self-made man; constitutionally indolent, with no natural love of work, by the sheer exercise of will-power he overcame this predisposition to sloth, and undertook and successfully accomplished the most arduous tasks. After the family removed to Illinois, Lincoln began the study of law, and at the age of twenty-eight he

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Hannibal Hamlin.
From a photograph.

was admitted to the bar. Finding that in debate he often possessed a wealth of ideas coupled with a poverty of expression, he carried with him on the court circuit an English grammar and a book on rhetoric. Politics, however, possessed greater attraction for him than the practice of the law. His active interest in local politics secured him the nomination and election, in 1837, to the State Legislature of Illinois.

Lincoln loved and believed in the American people. His experience in life had taught him a reverent regard for humanity and engaged his sympathies for all classes of society, especially for those to whom circumstance had apportioned the difficult places of life, and in this feeling is to be found the secret of his interest in the amelioration of the condition of the slaves. In 1831, he had made a visit to New Orleans, and had there witnessed the auction of a lot of slaves, among whom was a young mulatto girl, the examination of whose physical qualities by the crowd of purchasers moved him profoundly. Turning to a companion he exclaimed: "If I ever get a chance to hit slavery, I'll hit it hard."

In the session of the legislature to which Lincoln had been elected, a resolution was introduced and almost unanimously adopted, declaring that "The right of property in slaves is sacred to the slaveholding States." Lincoln and one other member protested and caused their protest to the effect that slavery was "founded on both injustice and bad policy" to be entered in the journal. In 1847, Lincoln was elected to Congress and there kept his promise of hitting slavery hard by casting his vote on forty-two occasions in favor of the adoption of the Wilmot Proviso. This Congressional term of two years was a preparation for wider activity in national politics. At the close of his term of office he returned to Illinois and resumed the practice of law, emerging again into the arena of national politics when the repeal of the Missouri Compromise dissipated the hope of a peaceful suppression of slavery. Prominent in the

Illinois campaign of 1854, upon the election of an "Anti-Nebraska" legislature, he became a candidate for the vacant seat in the United States Senate. His adherents could muster but forty-seven votes, not enough for his election, and this could be obtained only by securing the support of the five anti-Nebraska Democrats. It soon became apparent that these men would not vote for Lincoln or any other Whig. Looking toward the future, Lincoln advised his followers to cast their votes for the candidate of the anti-Nebraska Democrats, Lyman Trumbull. In spite of this action, Lincoln felt deep disappointment at the result of the contest, and declared to an intimate friend: "I have done nothing to make any human being remember that I have lived. To connect my name with the events of my day and generation, and so impress myself upon them as to link my name with something that will redound to the interest of my fellowmen, is all that I desire to live for."

Douglas had won for himself wide respect in the East, where his popular sovereignty doctrine was regarded as an ingenious device for the settling of the status of prospective States upon the subject of slavery. In New York, particularly, there developed a considerable sentiment in favor of making overtures to Douglas for his coming into the Republican party. It was hinted that if his union with that party could be consummated he would be found to be a good presidential candidate, but in Illinois, Douglas was regarded as being distinctively "the enemy." Nevertheless, the appreciation in which he was held by sections of the Republican party added to his force as an antagonist to Lincoln.

Lincoln had to contend with an astute politician, a man who possessed the art of disarming his adversaries by his seeming compliance with the spirit of their requirements. From the time of their first meeting, in 1834, Douglas and Lincoln had been rivals. Curiously, both had paid suit to the same woman, Miss Mary Todd, daughter of Robert S. Todd, of Kentucky, and Lincoln's rugged qualities had outweighed,

in her estimation, the superior polish of Douglas. The latter, however, had rapidly ascended the scale of political preferment. He was four years younger than Lincoln, yet he entered Congress four years earlier; when Lincoln entered the lower house of Congress, Douglas was occupying a seat in the Senate. The superior fortune of Douglas was largely due to his connection with the dominant party in Illinois. In 1858, his name was one to conjure by, while that of Lincoln was hardly known outside the limits of his State. Nevertheless, when Douglas heard that Lincoln was the nominee of the Republicans, he declared: "I shall have my hands full. He is the strong man of his party—full of wit, facts, dates—and the best stump speaker, with his droll ways and dry jokes, in the West. He is as honest as he is shrewd; and if I beat him, my victory will be hardly won."

At the State convention which met at Springfield, June 17, 1858, and put him in nomination, Lincoln was present, and in accepting the nomination made a speech which revealed him as a man of the broadest statesmanship. Referring to the position consistently maintained by his party, he said: "If we could first know where we are and whither we are tending, we could better judge what to do, and how to do it. We are now far into the fifth year since a policy was initiated with the avowed object and confident promise of putting an end to slavery agitation. Under the operation of that policy, that agitation has not only not ceased, but has constantly augmented. In my opinion it will not cease until a crisis shall have been reached and passed. 'A house divided against itself cannot stand.' I believe this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect it will cease to be divided. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push it forward till it shall become alike lawful in all

the States, old as well as new—North as well as South." Lincoln had prepared his speech with great care and submitted it to a friend before its delivery. This friend, who was also his law partner, had doubted the wisdom of his incorporating the figure of the "divided house." Lincoln, however, declared that he would sooner lose the senatorship with that figure in his speech than gain it with it left out.

In his speech, Lincoln, after giving a résumé of the Kansas-Nebraska bill and the territorial matters that proceeded from it, discussed the Dred Scott decision in the light of the Constitution, and then passed to a consideration of the attitude of his opponent, Douglas. He intimated that slavery advocates depended upon the Supreme Court to furnish decisions to put into effect their policies. He said: "We shall lie down, pleasantly dreaming that the people of Missouri are on the verge of making their State free, and we shall awake to the reality, instead, that the Supreme Court has made Illinois a slave State." He declared that Senator Douglas was essential to the carrying out of these schemes, that his disagreement with the administration might be readily compromised. He asserted that Douglas could never oppose the advances of slavery, because he cared nothing about the subject, and that he sought to lull the anti-slavery advocates into the same state of indifference. Concluding, he said: "Our cause must be intrusted to, and conducted by, its own undoubted friends—those whose hands are free, whose hearts are in the work—who do care for results. Two years ago the Republicans of the nation mustered over thirteen hundred thousand strong. We did this under the single impulse of resistance to a common danger, with every external circumstance against us. Of strange, discordant, and even hostile elements, we gathered from the four winds, and formed, and fought the battle through under the constant hot fire of a disciplined, proud, and pampered enemy. Did we brave all then, to falter now?—now, when that same enemy is wavering, dissevered, and belligerent. The result is not

doubtful. We shall not fail—if we stand firm, *we shall not fail.* Wise counsels may accelerate, or mistakes delay it, but, sooner or later, the victory is sure to come."

On the evening of Friday, July 9th, the people of the home of Judge Douglas, Chicago, tendered the Democratic candidate a public reception, and this afforded him an opportunity to reply to Lincoln's Springfield speech. He reviewed the Kansas-Nebraska proceedings, and declared that his sole purpose had been to ensure the "right of the people of each State and of each Territory, North or South, to decide the question for themselves, to have slavery or not, just as they choose." He declared, further, that if "you put a limitation upon the right of any people to decide what laws they want, you have destroyed the fundamental principle of self-government." He then proceeded: "In connection with this subject, perhaps it will not be improper for me on this occasion to allude to the position of those who have chosen to arraign my conduct on this same subject. I have observed from the public prints, that but a few days ago the Republican party of the State of Illinois assembled in convention at Springfield, and not only laid down their platform, but nominated a candidate for the United States Senate, as my successor. . . . Mr. Lincoln made a speech before that convention—a speech evidently well prepared and carefully written—in which he states the basis upon which he proposes to carry on the campaign during this summer. In it he lays down two distinct propositions which I shall notice, and upon which I shall take a direct and bold issue with him. His first and main proposition I will give in his own language,—'A house divided against itself cannot stand. I believe this government cannot endure, permanently, half slave and half free. I do not expect the Union to be dissolved. I do not expect the house to fall, but I do expect it to cease to be divided. It will become all one thing or all the other.' In other words, Mr. Lincoln asserts, as a fundamental principle of this government, that there must be uniformity in the laws

and domestic institutions of each and all the States of the Union, and he therefore invites all the non-slaveholding States to band together, organize as one body, and make war upon slavery in Kentucky, upon slavery in Virginia, upon the Carolinas, upon slavery in all of the slaveholding States in this Union, and to persevere in this war until it shall be exterminated. He then notifies the slaveholding States to stand together as a unit and make an aggressive war upon the free States of this Union with a view of establishing slavery in them all, of forcing it upon Illinois, of forcing it upon New York, upon New England, and upon every other free State, and they shall keep up the warfare until it has been formally established in them all. In other words, Mr. Lincoln advocates boldly and clearly a war of sections, a war of the North against the South, of the free States against the slave States—a war of extermination—to be continued relentlessly until the one or the other shall be subdued, and all the States shall either become free or become slave. Now, my friends, I must say to you frankly that I take bold, unqualified issue with him upon that principle." Lincoln had been a guest at the reception to Judge Douglas, and on the following evening replied to his opponent in a speech that reiterated his position.

With alternating meetings of the two parties, the campaign progressed until July 24th, when Lincoln challenged his adversary to a series of joint debates. Douglas accepted the challenge, stipulating, however, that he was to have the privilege of opening and closing the discussion. The first of the seven debates was held at the town of Ottawa, on August 21st. Douglas opened with a speech of an hour; Lincoln followed, and spoke for an hour and a half, Douglas being allowed a half-hour for rebuttal. This was to have been the arrangement of the whole series, but after this meeting the contestants agreed to alternate the order of speaking. Douglas viciously attacked the "house-divided-against-itself" doctrine, and charged Lincoln with being an abolitionist. Lincoln, in reply, said to his audience: "I leave it to you

to say whether, in the history of our government, this institution of slavery has not always failed to be a bond of union, and, on the contrary, been an apple of discord, and an element of division in the house. . . . What is necessary for the nationalization of slavery? It is simply the next Dred Scott decision. It is merely for the Supreme Court to decide that no State under the Constitution can exclude it, just as they have already decided that under the Constitution neither Congress nor the Territorial legislature can do it. When that is decided and acquiesced in, the whole thing is done. This being true, and this being the way, as I think, that slavery is to be made national, let us consider what Judge Douglas is doing every day to that end. In the first place, let us see what influence he is exerting on public sentiment. In this and like communities, public sentiment is everything. With public sentiment, nothing can fail: without it, nothing can succeed. Consequently, he who moulds public sentiment goes deeper than he who enacts statutes or pronounces decisions. He makes statutes and decisions possible or impossible to be executed." Lincoln then reviewed Judge Douglas's position in the light of the Dred Scott decision and his attitude on the Lecompton Constitution, and concluded by declaring that "when by all these means and appliances Judge Douglas shall succeed in bringing public sentiment to an exact accordance with his own views—when these vast assemblages shall echo back all these sentiments—when they shall come to repeat his views and to avow his principles, and to say all that he says on these mighty questions—then it needs only the formality of the second Dred Scott decision, which he indorses in advance, to make slavery alike lawful in all the States—old as well as new, North as well as South."

On the occasion of the second debate, held at Freeport on August 27th, Lincoln in the opening speech propounded four questions for his opponent to answer. These were:

"1. If the people of Kansas shall by means entirely unobjectionable in other respects, adopt a State Constitution, and

ask admission into the Union under it, before they have the requisite number of inhabitants according to the English bill—some ninety-three thousand—will you vote to admit them?

"2. Can the people of a United States Territory, in any lawful way, against the wish of any citizen of the United States, exclude slavery from its limits prior to the formation of a State constitution?

"3. If the Supreme Court of the United States shall decide that States cannot exclude slavery from their limits, are you in favor of acquiescing in, adopting and following such decision as a rule of political action?

"4. Are you in favor of acquiring additional territory, in disregard of how such acquisition may affect the nation on the slavery question?"

The reply of Judge Douglas to the first question was in the affirmative, declaring that "it having been decided that Kansas has people enough for a slave State, I hold that she has enough for a free State." In response to the second question, Douglas propounded what has since been known as the Freeport doctrine. "It matters not what way the Supreme Court may hereafter decide as to the abstract question whether slavery may or may not go into a Territory under the Constitution, the people have the lawful means to introduce it or exclude it as they please, for the reason that slavery cannot exist for a day or an hour anywhere, unless it is supported by local police regulations. Those police regulations can only be established by the local legislature, and if the people are opposed to slavery they will elect representatives to that body who will by unfriendly legislation effectually prevent the introduction of it into their midst. If, on the contrary, they are for it, their legislation will favor its extension. Hence, no matter what the decision of the Supreme Court may be on that abstract question, still the right of the people to make a slave Territory or a free Territory is perfect and complete under the Nebraska bill." The third question was met by the answer, "such a thing is not possible. It would be an act of moral treason



Mary Todd Lincoln.

From a photograph made while Lincoln was president.



that no man on the bench could ever descend to." Douglas declared that the last of Lincoln's four questions was "very ingeniously and cunningly put." His answer was that "you cannot limit this great republic by mere boundary lines, saying 'thus far shalt thou go and no further.' . . . With our natural increase, growing with a rapidity unknown in any other part of the globe, with a tide of emigration that is flying from despotism in the old world to seek refuge in our own, there is a constant torrent pouring into this country that requires more land, more territory upon which to settle, and just as fast as our interests and our destiny require additional territory in the North, in the South, in the islands of the ocean, I am for it, and when we acquire it, will leave the people, according to the Nebraska bill, free to do as they please on the subject of slavery and every other question."

This remarkable series of debates had not progressed without greatly intensifying public feeling. Their subject-matter was not the evanescent issue of a campaign, but an issue crucial to the life of the nation. These men did not stand at antipodal points and hurl at each other remorseless logic of incompatible views; they were playing for position in the same circle, the prevailing of the opinions of one or the other would be in effect the crystallization of the sentiment of the people of the country upon phases of the slavery question.

Much political instruction went out to the country from this Illinois campaign and by the time the Galesburg speeches were heralded abroad, the attention of the entire nation was arrested. At that place, Lincoln declared: "The real difference between Judge Douglas and the Republicans . . . is that the Judge is not in favor of making any difference between slavery and liberty—that he is in favor of eradicating, of pressing out of view, the questions of preference in this country for free or slave institutions; and consequently every sentiment he utters discards the idea that there is anything wrong in slavery. Everything that emanates from him or his coadjutors in their course

of policy carefully excludes the thought that there is anything wrong in slavery. If you will take the Judge's speeches, and select the short and pointed sentences expressed by him—as his declaration that he 'don't care whether slavery is voted up or down'—you will see at once that this is perfectly logical, if you do not admit that slavery is wrong. If you do admit that it is wrong, Judge Douglas cannot logically say he 'don't care whether a wrong is voted up or down.' Judge Douglas declares that if any community want slavery, they have a right to have it. He can say that logically if he says that there is no wrong in slavery; but if you admit that there is wrong in it, he cannot logically say that anybody has a right to do wrong. He insists that upon the score of equality, the owners of slaves and owners of property—of horses and every other sort of property—should be alike and hold them alike in a new Territory. That is perfectly logical, if the two species of property are alike, and are equally founded in right. But if you admit that one of them is wrong, you cannot institute any equality between right and wrong."

In his last debate at Alton, October 15th, Lincoln gave expression to his impatience at the new interpretation of the Declaration of Independence, which he sarcastically ascribed to Chief Justice Taney and Stephen A. Douglas. In this debate, Lincoln devoted much time to the development of an argument from the letter of the Constitution. Said he: "The institution of slavery is only mentioned in the Constitution of the United States two or three times, and in neither of these cases does the word 'slavery' or 'negro race' occur; but covert language is used each time, and for a purpose full of significance . . . and that purpose was that in our Constitution—which it was hoped and is still hoped will endure forever—when it should be read by intelligent and patriotic men, after the institution of slavery had passed from among us, there should be nothing on the face of the great charter of liberty suggesting that such a thing as negro slavery had ever existed among us.

This is part of the evidence that the fathers of the government expected and intended the institution of slavery to come to an end. They expected and intended that it should be in the course of ultimate extinction. And when I say that I desire to see the further spread of it arrested, I only say that I desire to see that done which the fathers have first done. When I say that I desire to see it placed where the public mind will rest in the belief that it is in course of ultimate extinction, I only say that I desire to see it placed where they placed it. It is not true that our fathers, as Judge Douglas assumes, made this government part slave and part free. . . . The exact truth is they found the institution existing among us, and they left it as they found it. But in making the government they left this institution with many clear marks of disapprobation upon it. They found slavery among them, and they left it among them because of the difficulty, the absolute impossibility, of its immediate removal. And when Judge Douglas asks me why we cannot let it remain part slave and part free, as the fathers of the government made it, he asks a question based upon the assumption which is in itself a falsehood; and I turn from him and ask the question, when the policy that the fathers of the government had adopted in relation to this element among us was the best policy in the world—the only wise policy—the only policy that we can ever safely continue upon—that will ever give us peace, unless this dangerous element masters us all and becomes a national institution—*I turn upon him and ask why he could not leave it alone?*" This declaration was followed by a letter three days later, which reads as follows:

"SPRINGFIELD, October 18, 1858.

"HON. J. N. BROWN.

"MY DEAR SIR: I do not perceive how I can express myself more plainly than I have done in the foregoing extracts in four of them. I have expressly declined all intention to bring about social and political equality between the

white and black races, and in all the rest I have done the same by clear implication.

"I have made it equally plain that I would think the negro is included in the word 'men' in the Declaration of Independence.

"I believe the declaration that all men are created equal is the great fundamental principle upon which our free institutions rest; that the negro slavery is violative of that principle; but by our form of government that principle has not been made one of its legal allegations.

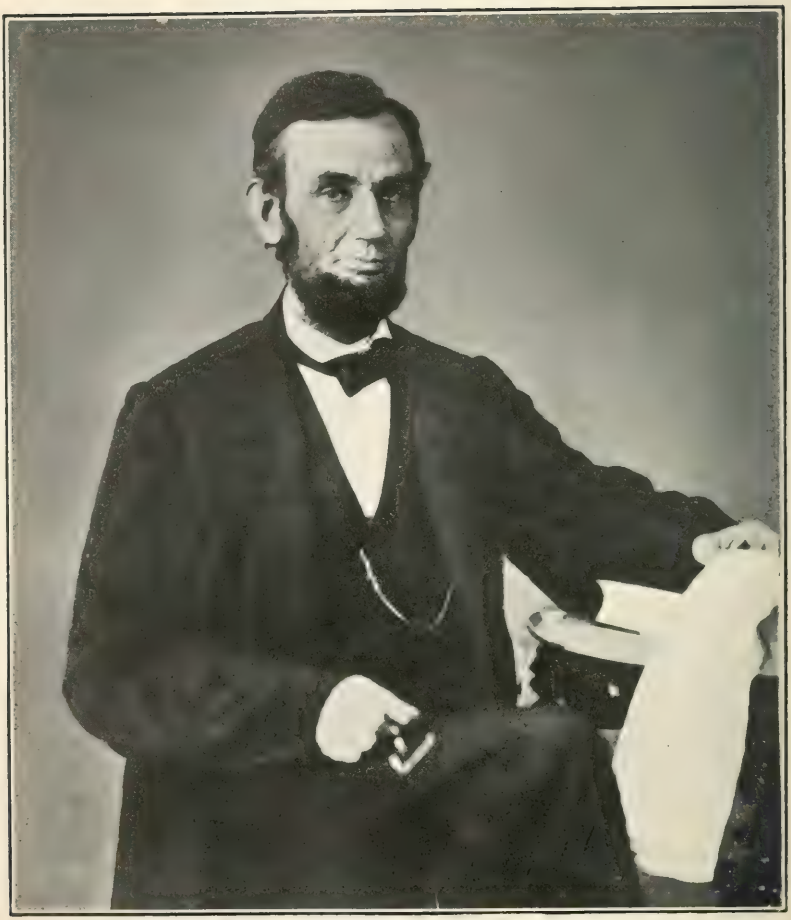
"But it does not follow that social and political equality between whites and blacks must be incorporated, because slavery must go. The declaration does not so require.

"Yours as ever,

"A. LINCOLN."

There had never been in Illinois such a whirlwind campaign as that of 1858. No halls were large enough to accommodate the throngs which sought to hear the opposing champions and the meetings were held in the afternoon in groves or upon the open prairie. In one hundred days, Douglas made one hundred and thirty speeches; nor was Lincoln less active. The frugal Lincoln spent little above his personal expenses, while Douglas, in order to draw out his following, spent eighty thousand dollars, saddling himself with a debt which worried him until his death. Douglas won the contest, although material Republican gains, which left him but a majority of eight in the legislature, pointed to the triumph of the Republican party in 1860. The speeches were published in full in the Chicago journals, and many of them in those of other cities throughout the country. So intimately had Douglas entered into the political interest in the East, that many Republican leaders in that section devoutly wished him success.

Before his Springfield speech, Lincoln was regarded as an obscure lawyer, a backwoodsman, who sought to shine in the reflected brilliancy of his dashing adversary. After



Abraham Lincoln. *From a hitherto unpublished photograph.*

the election, the Republicans in the East rejoiced in the result, because it was regarded as a severe blow to the administration, yet they hailed with pride the performance of their party's advocate, who had risen at one bound from a position of inconsequence to be a man of national repute.

We have already noticed the political trend of the fall elections of this year throughout the country, but the conditions in the State of Pennsylvania present aspects which need especial mention. The Republicans, Americans, and Anti-Lecompton Democrats entered into a fusion and won a decided victory, the administration party succeeding in electing only three Congressmen as against fifteen in the previous delegation. Not only the administration's record in Kansas, but the tariff issue in the interior of the State of Pennsylvania contributed to this result. The prostration of the iron industry, which resulted from the panic of 1857, was laid by the Republicans at the door of the administration, they attributing it to the tariff bill enacted in March, 1857, which had reduced the duty on iron. Elsewhere, the tariff issue was not vital.

The leaders who were to direct not only the sentiment but the actions of the sections up to the beginning of the Civil War and to have commanding influence during that titanic struggle had come into prominence. Jefferson Davis was the recognized leader of the Southern Democracy and had the support of a group of States whose solidarity was already the most conspicuous fact in an era of political change. Aggression had given place to defence and the South had settled upon a policy of grim determination to hold fast that which she had. During the summer, Davis had visited the North in quest of health, had been the recipient of many pleasant courtesies, and had himself shown a similar spirit of graciousness. But if Davis had any aspirations for the presidency the fall elections demonstrated that the office was out of the reach of any Southern Democrat. In order to contradict any false impressions

which his trip to the North might have created, and to impress upon the South his loyalty to that section, Davis delivered a speech at Jackson, Mississippi, in the winter of 1859, in which he declared that if an abolitionist were elected to the presidency, it would be the duty of Mississippi to secede from the Union.

In his annual message to Congress, President Buchanan commented with satisfaction upon the quiet condition of Kansas and contrasted the sectional sentiment with that of a year ago, thanking Providence that the sectional strife had much diminished. He reviewed his Lecompton policy and declared that no act in his career afforded him so much satisfaction as his conduct in that instance. He commented upon the business situation and expressed the belief that the country was rapidly recovering from the conditions induced by the panic of 1857. He declared it to be the duty of the country to acquire Cuba, giving as his reason the fact that it was the only spot in the civilized world where the slave trade was tolerated. The Southern Democrats were prompt to take up this suggestion, and Slidell reported a bill from the Committee on Foreign Relations calling for an appropriation of thirty million dollars for the purchase of the island. The news of this action created a profound sensation in Spain, where the Cortes, January 24, 1859, passed unanimously a resolution to support the government in its measures to protect Spanish dominion from American aggression. Seward called the attention of the Senate to the reception of the President's message in Spain. The bill was made the special order for the following week. The ulterior aims of the promoters of annexation were disclosed in the animated debate to which the bill gave rise. It was charged by Senator Doolittle, of Wisconsin, that the thirty million dollars was to be used to bribe the Spanish officials. On February 26th, in order to test the sense of the Senate, a friend of the measure moved to lay the bill on the table. This motion was defeated by a vote of thirty to eighteen, and on the following day Slidell withdrew the

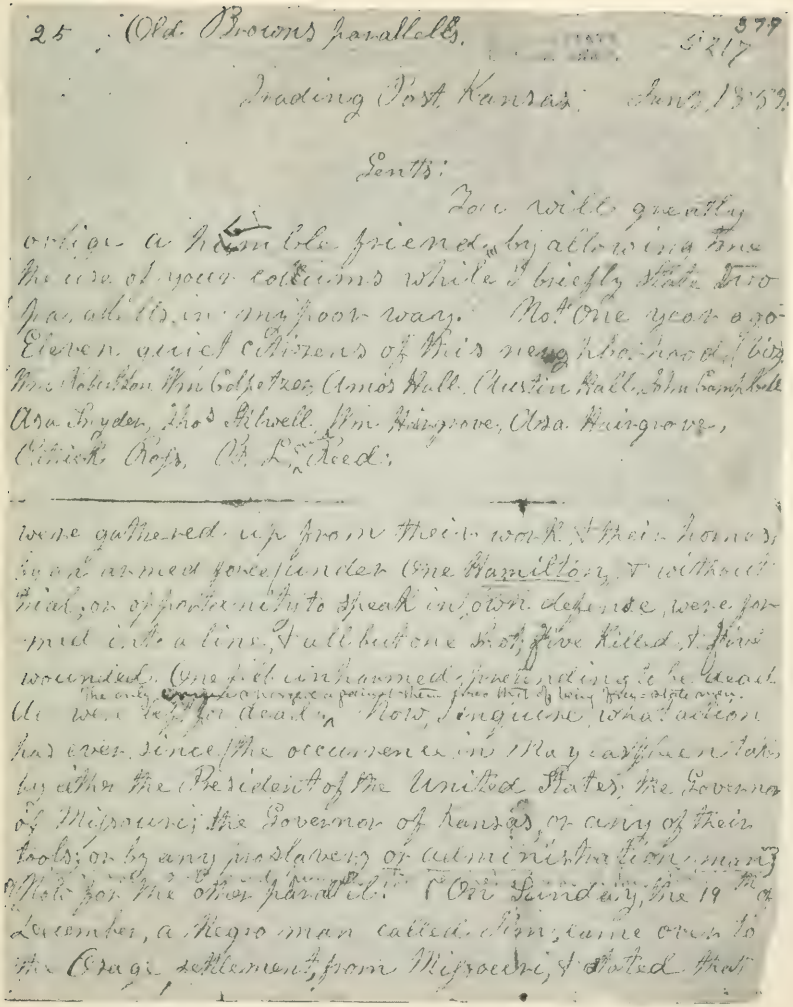
bill, seeing that it could not be passed at that session without involving the appropriation bills.

Throughout the Union there were daily incidents which called forth bitter controversy. In 1859, Philadelphia was thrown into a tumult over the arrest of an alleged fugitive slave. In the same year the Fugitive Slave Law operated to throw Cleveland, Ohio, into a state of frenzy, the people of this city having come principally from Connecticut and Massachusetts. Oberlin College was famous for its interest in the "underground railroad," and was a veritable storm-centre. In September, 1858, a slave catcher made his appearance in Oberlin in quest of some escaped slaves, and while there saw a negro who had fled from a Kentucky neighbor; in order to avoid trouble, he decoyed the man out of the town, had him seized and taken to Wellington, a village nine miles distant. A rescuing party was organized at Oberlin, which overtook the negro and spirited him away. Thirty-seven persons, including religious leaders of the town, a college professor, and several students were indicted under the Act of 1850. Public sentiment was overwhelmingly with the prisoners, but the prosecution was pressed with vigor. The "higher law" was advanced against the national statute, but the first person tried was pronounced guilty. Intense excitement was produced throughout the country. In the indictments in the remaining cases a *nolle prosequi* was entered, after lengthy negotiations.

We have already given an account of the work in Kansas of the fanatic John Brown. In 1858, he arranged for operations in a new field. His plan now was the liberation of the entire slave population of the United States. The facility with which Brown succeeded in interesting men of prominence like Theodore Parker, Gerrit Smith, the wealthy philanthropist, Dr. S. G. Howe, who was enthusiastic in the cause of suffering humanity, and a number of others, is most remarkable and shows that the deep feeling of the period had unsettled men's fundamental loyalty to law. It

was more the magnetism of the cause which the hair-brained enthusiast represented than any particular qualities inherent in him that accounts for his support by men of culture and of character. Brown threw about his communications an air of mystery, adopted a cipher code in writing, assumed the name of Hawkins, and pretended to be engaged in the wool business. The jargon that was employed is well illustrated in a communication from F. B. Sanborn, a young enthusiast fresh from college, in which it was stated that Hawkins "has found in Canada several good men for shepherds, and if not embarrassed for want of means, expects to turn his flocks loose about the 15th of May." Parker stooped to the same discreditable style when, writing from Rome, he said, "tell me how our little speculation in wool goes on, and what dividend accrues therefrom."

Brown could not carry out his scheme so early as he proposed. He had made the acquaintance of a Garibaldian veteran named Forbes, to whom he confided his plan to liberate the slaves. Forbes betrayed his confidence to Senators Seward and Wilson, to whom he told Brown's further purpose to arm his men with rifles belonging to the Massachusetts State Kansas Committee. Brown's Boston friends thereupon decided that it would be better to postpone his campaign in Virginia, and advised him to go to Kansas. This he did in June, 1858, having grown a long beard as a disguise. At the time of Brown's arrival, Kansas was in a state of excitement over the action of Captain Charles A. Hamilton, a pro-slavery leader from Georgia, who for several years had been in almost constant conflict with the "Jayhawkers," under the leadership of Captain James Montgomery. On May 19, 1858, Hamilton made an unexpected attack, with a band of twenty-five men, chiefly Missourians, on Chouteau's Trading Post, taking eleven free State prisoners, whom he ordered to be shot. After this feat he crossed the border into Missouri. Principally on account of Hamilton's raids, Montgomery attacked Fort Scott on June 6th without, however, securing



25 Old Browns parallels. 379
5217

Trading Post Kansas June 3 1859.

Sen^r:

You will greatly oblige a friendly friend by allowing me the use of your columns while I briefly state two parallels in our history.

No. 1 One year ago Eleven active citizens of this new territory, viz Mess^r Robinson, Whitfield, Jefferson, Amos Hall, Austin Hall, Shumway Ash Snyder, Thos Bidwell, Wm Pingrove, Asa Pingrove, Chas. Ross, Wm Leeds,

were gathered up from their work & their homes, by armed force (under one Hamilton, & without trial, or pretence to speak in own defence, were formed into a line, & all but one shot, five killed & five wounded. (One fell unharmed, pretending to be dead. The only escape except a prompt shot was that of being pretended away.) He was left for dead. Now, inquire what action has ever since the occurrence in May last been taken by either the President of the United States, the Governor of Missouri, the Governor of Kansas, or any of their tools; or by any machinery of administration, many of which for the other parallel. On Sunday, the 19th of December, a Negro man called Jim, came over to the Osage settlement from Missouri, & stated that

Yours &c

important results. Such attacks and retaliations induced the governor to give his personal attention to the situation and he made a tour of the section and succeeded in placating the factions. Terms of harmony were arranged at a conference at Raysville, and the marauding bands dispersed, a short period of quiet following. The free State party still found cause of grievance in the frequent arrests of members of their faction for offences ante-dating this truce. A new outbreak occurred on December 15th, when Montgomery attacked Fort Scott, in an attempt to rescue a free State advocate, named Rice, who was held a prisoner there. The rescue was effected and the party withdrew. John Brown was to have taken part in this expedition, but he did not agree with Montgomery on the plan of attack and withdrew to Little Osage, where he learned from a fugitive that five slaves were to be sold and taken to a Missouri plantation. Brown organized a company, crossed the Missouri line and liberated the blacks, thereby calling forth from the Governor of Missouri a proclamation, setting on his head a price of three thousand dollars. Though hotly pursued, he got the fugitives safely through the intervening States to Michigan, and on March 12, 1859, ferried them across Detroit to Windsor in Canada. This was the last of his Kansas exploits, and on it and the Hamilton executions Brown founded his "Parallels," which he issued in January from Trading Post, and in which he contrasts the inaction of the president and the governors of Missouri and Kansas in securing the punishment of the Hamilton party with the activity of the authorities to "enforce the laws against the liberators of eleven persons to their natural and inalienable rights." Brown's northern friends were exceedingly pleased with his last exploit. The fact that he had offered armed resistance to the authorities counted as nothing in the eyes of those who advocated the "higher law."

More than four thousand dollars was raised to finance the Virginia expedition. This money was obtained and disbursed by a secret committee, although most of the donors

had some idea at least as to how it was to be used. Brown was secretive, and his friends were quite willing, for their own future security, not to be apprised of the details of his plans. In the face of all evidence against him, his friends at this time expressed disbelief in the Pottawatomie executions. In July, 1859, Brown rented two houses on the Kennedy farm, on the Maryland side of the Potomac, four miles from Harper's Ferry, where was located a United States armory. It was at this time that Brown divulged to Frederick Douglass his plan of capturing Harper's Ferry, and urged him to join the enterprise; but the astute negro leader, recognizing the foolhardiness of the undertaking, would not join in it. He pointed out to Brown the perils he was risking, but that fanatical spirit only made response in the words: "Come with me, Douglass; I will defend you with my life. I want you for a special purpose. When I strike, the bees will begin to swarm, and I shall want you to help to hive them."

On a bleak Sunday night, October 16, 1859, Brown mustered his men, who had been scattered through the mountains. These followers numbered eighteen, thirteen whites and five negroes. Brown's inability to make his deeds accord with his principles is shown in the words of counsel which one of his followers said he gave them after delivering his final commands. "Now, gentlemen," he said, "let me impress this one thing on your minds. You all know how dear life is to you, and how dear your lives are to your friends; and in remembering that, consider that the lives of others are as dear to them as yours are to you. Do not, therefore, take the life of anyone if you can possibly avoid it; but if it is necessary to take life in order to save your own, then make sure work of it."

Each of the men was armed with a rifle and revolvers, as the party moved from the Kennedy farm toward the Ferry. Men were sent ahead to destroy the telegraph lines. Brown and his men took possession of the railroad bridge connecting Maryland and Virginia, and made the watchman a

prisoner. Crossing the bridge to the Virginia side, they overpowered the watchmen on guard at the armory; and some of their number took the arsenal near by and the rifle works a little distance up the shore of the Shenandoah. A party was sent out to bring in some prominent citizens as hostages. For dramatic effect, Colonel Lewis Washington was chosen as one of these. The mail train arriving at one o'clock in the morning from Wheeling was stopped by the guard left at the bridge. A negro porter, a free man, employed at the station, was summoned by Brown's men to halt, and, not knowing the significance of the order, and failing to obey, received a mortal wound. Before sunrise, Brown consented to let the train proceed, and in the course of several hours Baltimore was apprised of the situation at Harper's Ferry.

In the meanwhile, citizens proceeding to the armory for their day's work, were seized by the raiders. The village was aroused, the church bells summoned the men of the town and countryside, fighting began, and men fell on both sides. At noon, Brown, with the remnant of his force, still having some of the hostages, retired into the engine house, the doors of which he closed and barred. During the afternoon, one of Brown's sons was wounded and another shot dead at his side. On Monday evening, Colonel Robert E. Lee arrived with a company of United States marines. At this time, the besieged force was reduced to Brown and six others, two of whom were wounded. Not wishing to jeopardize the lives of Brown's prisoners in a night attack, Lee deferred operations until Tuesday morning. Upon Brown's refusal to surrender, the door of his fort was battered down, and in the mêlée he was severely wounded. Ten of Brown's men were killed, five wounded, and four escaped, two being afterward arrested. Of the inhabitants and the attacking party five were killed and nine wounded.

Intense excitement prevailed in Virginia and the "Brown raid" became a text for the South. To visitors who

interrogated him, Brown justified his course by saying: "I respect the rights of the poorest and weakest of colored people, oppressed by the slave system just as much as I do those of the wealthy and powerful. . . . The cry of distress of the oppressed is my reason and the only thing that prompted me to come here. . . . You may dispose of me very easily. I am nearly disposed of now. But this question is still to be disposed of—this negro question I mean—the end of that is not yet."

Governor Wise, of Virginia, who interviewed Brown, was led to consider him as a man of clear head, of courage and of fortitude, a man who impressed one with his integrity and truth. "He is a fanatic, vain and garrulous, but firm and truthful and intelligent." It would be difficult to overstate the indignation at Brown throughout the South, where his professions were regarded as arrant hypocrisy. Attempts were made to place the responsibility for Brown's acts upon prominent political leaders, especially Seward, who at this time was in Europe. Republican organs met Democratic attacks by steadfastly maintaining that party's innocence of any attempt to interfere with slavery in the slave States. There was no delay in the trial of Brown, and he was condemned to be hanged on December 2, 1859. The fanatic to the end maintained that he was acting under Divine inspiration, and he writes: "I can leave to God the time and manner of my death for I believe now that the sealing of my testimony before God and man with my blood will do far more to further the cause to which I have earnestly devoted myself, than anything I have done in my life."

The death of Brown evoked many estimates of his character, and wide differences of opinion were entertained. Lincoln in a speech at Cooper Union, in New York City, reflected the views of a very large section of the people when he declared that, "John Brown's effort was peculiar. It was not a slave insurrection. It was an attempt by white men to get up a revolt among slaves, in which the slaves

refused to participate. In fact, it was so absurd that the slaves, in all their ignorance, saw plainly enough that it could not succeed. That affair, in its philosophy, corresponds with the many attempts related in history at the assassination of kings and emperors. An enthusiast broods over the oppression of a people till he fancies himself commissioned by Heaven to liberate them. He ventures the attempt, which ends in little else than his own execution. Orsini's attempt on Louis Napoleon and John Brown's attempt at Harper's Ferry were, in their philosophy, the same. The eagerness to cast blame on Old England in the one place and on New England in the other does not disprove the sameness of the two things." The treasurer of the Emigrant Aid Company, Amos A. Lawrence, in an address before the Massachusetts Historical Society in May, 1884, observed: "It fell to me to give John Brown his first letter to Kansas, introducing him to Governor Robinson, and authorizing him to employ him and to draw on me for his compensation if he could make him useful in the work of the Emigrant Aid Company. But very soon Governor Robinson wrote that he would not employ him, as he was unreliable, and 'would as soon shoot a United States officer as a border ruffian.' "

Immediately after the Lincoln-Douglas debates of 1858, Lincoln had been urged to become a candidate for the presidency, but it was not until 1860 that he accepted the position of aspirant for the honor. The campaign opened in the spring of 1860 with the meeting of the Democratic convention in Charleston. It was immediately evident that the party was too radically divided to conduct a successful campaign. A platform dictated by the Douglas men was adopted; whereupon the delegates from Alabama, Florida, Mississippi, and Texas withdrew, as well as members from the delegations representing other States. The convention adjourned, to meet at Baltimore on June 18th, when Stephen A. Douglas and Benjamin Fitzpatrick were respectively nominated for president and vice-president. Upon the

latter's declining, Herschel V. Johnson, of Georgia, was substituted by the national committee.

The seceding members of the Democratic convention chose as their candidates John C. Breckinridge, of Kentucky, and Joseph Lane, of Oregon. In May, the convention of the Constitutional Union party met in Baltimore. This was a new party which had been formed with the purpose of upholding the Constitution, which, the party claimed, called for the union of the States. The candidates of this faction were John Bell, of Tennessee, and Edward Everett, of Massachusetts. Its chief purpose was that of so dividing and distributing the vote that the election might be thrown into Congress.

The Republican convention held its meetings in Chicago. Candidates were many, and included among their number Seward, Lincoln, Chase, and Simon Cameron. But the point of contest was between Lincoln and Seward. Upon the third ballot, Lincoln was nominated, and on the same day, Hannibal Hamlin, of Maine, was chosen for the vice-presidency.

After an exciting campaign, the returns of the November elections showed the following popular vote: Lincoln, 1,866,452; Douglas, 1,375,157; Breckinridge, 847,953; Bell, 590,631. In the Electoral College Lincoln received 180 votes, Breckinridge 72, Bell 39, Douglas 12.

The session of Congress, which met on December 6, 1859, was not noteworthy. The supreme question of the day engaged its members in almost continuous tumultuous debate. So insistent, so overmastering, so consequential, indeed so American, was the question of slavery, that in the decade spanned from 1850 to 1860 there were few matters of internal policy or of external concern which did not touch the primordial question at some point. It was a question fundamental in human society wherever it had appeared.

But, looking back through the years from 1836 to 1860, it is evident to the student of history that, whatever matters might for a time occupy the attention of the American

executive, of Congress, and of the people, the concern of the nation was chiefly centred in one subject. Wherever one might turn during this period, slavery was imperatively demanding adjustment to the republic. All other questions of debate, all other questions concerning the public welfare, not only were subordinate to this interest, but were in some way connected with the issue of slavery. The repeal of legislative expedients, whose inadequacy to accomplish a settlement of the question was almost immediately evident, served to intensify the seriousness of the problem. Argument and debate but daily showed that the advocates of slavery and its opponents were less willing, less able, to reach common ground. And the subject had become more serious, inasmuch as it had developed from a merely political issue into a problem which involved the highest and deepest intellectual, moral, and religious convictions of men and women in every part of the Union.

APPENDIX I

FUGITIVE SLAVE ACT, SEPTEMBER 18, 1850

An Act to amend, and supplementary to, the Act entitled "An Act respecting Fugitives from Justice, and Persons escaping from the Service of their Masters," approved February twelfth, one thousand seven hundred and ninety-three.

[The first four sections deal with the appointment of commissioners, and their powers.]

SEC. 5. *And be it further enacted*, That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy marshal refuse to receive such warrant, or other process, when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousand dollars, to the use of such claimant, on the motion of such claimant, by the Circuit or District Court for the district of such marshal; and after arrest of such fugitive, by such marshal or his deputy, or whilst at any time in his custody under the provisions of this act, should such fugitive escape, whether with or without the assent of such marshal or his deputy, such marshal shall be liable, on his official bond, to be prosecuted for the benefit of such claimant, for the full value of the service or labor of said fugitive in the State, Territory, or District whence he

escaped: and the better to enable the said commissioners, when thus appointed, to execute their duties faithfully and efficiently, in conformity with the requirements of the Constitution of the United States and of this act, they are hereby authorized and empowered, within their counties respectively, to appoint, in writing under their hands, any one or more suitable persons, from time to time, to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties; with authority to such commissioners, or the persons to be appointed by them, to execute process as aforesaid, to summon and call to their aid the bystanders, or *posse comitatus* of the proper county, when necessary to ensure a faithful observance of the clause of the Constitution referred to, in conformity with the provisions of this act; and all good citizens are hereby commanded to aid and assist in the prompt and efficient execution of this law, whenever their services may be required, as aforesaid, for that purpose; and said warrants shall run, and be executed by said officers, anywhere in the State within which they are issued.

SEC. 6. *And be it further enacted*, That when a person held to service or labor in any State or Territory of the United States, has heretofore or shall hereafter escape into another State or Territory of the United States, the person or persons to whom such service or labor may be due, or his, her, or their agent or attorney, duly authorized, by power of attorney, in writing, acknowledged and certified under the seal of some legal officer or court of the State or Territory in which the same may be executed, may pursue and reclaim such fugitive person, either by procuring a warrant from some one of the courts, judges, or commissioners aforesaid, of the proper circuit, district, or county, for the apprehension of such fugitive from service or labor, or by seizing and arresting such fugitive, where the same can be done without process, and by taking, or causing such person to be taken, forthwith before such court, judge, or commissioner, whose duty it shall be to hear and determine the

case of such claimant in a summary manner; and upon satisfactory proof being made, by deposition or affidavit, in writing, to be taken and certified by such court, judge, or commissioner, or by other satisfactory testimony, duly taken and certified by some court, magistrate, justice of the peace, or other legal officer authorized to administer an oath and take depositions under the laws of the State or Territory from which such person owing service or labor may have escaped, with a certificate of such magistracy or other authority, as aforesaid, with the seal of the proper court or officer thereto attached, which seal shall be sufficient to establish the competency of the proof, and with proof, also by affidavit, of the identity of the person whose service or labor is claimed to be due as aforesaid, that the person so arrested does in fact owe service or labor to the person or persons claiming him or her, in the State or Territory from which such fugitive may have escaped as aforesaid, and that said person escaped, to make out and deliver to such claimant, his or her agent or attorney, a certificate setting forth the substantial facts as to the service or labor due from such fugitive to the claimant, and of his or her escape from the State or Territory in which he or she was arrested, with authority to such claimant, or his or her agent or attorney, to use such reasonable force and restraint as may be necessary, under the circumstances of the case, to take and remove such fugitive person back to the State or Territory whence he or she may have escaped as aforesaid. In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence; and the certificates in this and the first [fourth] section mentioned, shall be conclusive of the right of the person or persons in whose favor granted, to remove such fugitive to the State or Territory from which he escaped, and shall prevent all molestation of such person or persons by any process issued by any court, judge, magistrate, or other person whomsoever.

SEC. 7. *And be it further enacted*, That any person who shall knowingly and willingly obstruct, hinder, or prevent

such claimant, his agent or attorney, or any person or persons lawfully assisting him, her, or them, from arresting such a fugitive from service or labor, either with or without process as aforesaid, or shall rescue, or attempt to rescue, such fugitive from service or labor, from the custody of such claimant, his or her agent or attorney, or other person or persons lawfully assisting as aforesaid, when so arrested, pursuant to the authority herein given and declared; or shall aid, abet, or assist such person so owing service or labor as aforesaid, directly or indirectly, to escape from such claimant, his agent or attorney, or other person or persons legally authorized as aforesaid; or shall harbor or conceal such fugitive, so as to prevent the discovery and arrest of such person, after notice or knowledge of the fact that such person was a fugitive from service or labor as aforesaid, shall, for either of said offences, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, by indictment and conviction before the District Court of the United States for the district in which such offence may have been committed, or before the proper court of criminal jurisdiction, if committed within any one of the organized Territories of the United States; and shall moreover forfeit and pay, by way of civil damages to the party injured by such illegal conduct, the sum of one thousand dollars, for each fugitive so lost as aforesaid, to be recovered by action of debt, in any of the District or Territorial Courts aforesaid, within whose jurisdiction the said offence may have been committed.

[Section 8 concerns the regulation of fees for services under the Act.]

Sec. 9. *And be it further enacted*, That, upon affidavit made by the claimant of such fugitive, his agent or attorney, after such certificate has been issued, that he has reason to apprehend that such fugitive will be rescued by force from his or their possession before he can be taken beyond the

limits of the State in which the arrest is made, it shall be the duty of the officer making the arrest to retain such fugitive in his custody, and to remove him to the State whence he fled, and there to deliver him to said claimant, his agent, or attorney. And to this end, the officer aforesaid is hereby authorized and required to employ so many persons as he may deem necessary to overcome such force, and to retain them in his service so long as circumstances may require. The said officer and his assistants, while so employed, to receive the same compensation, and to be allowed the same expenses, as are now allowed by law for transportation of criminals, to be certified by the judge of the district within which the arrest is made, and paid out of the treasury of the United States.

SEC. 10. *And be it further enacted*, That when any person held to service or labor in any State or Territory, or in the District of Columbia, shall escape therefrom, the party to whom such service or labor shall be due, his, her, or their agent or attorney, may apply to any court of record therein, or judge thereof in vacation, and make satisfactory proof to such court, or judge in vacation, of the escape aforesaid, and that the person escaping owed service or labor to such party. Whereupon the court shall cause a record to be made of the matters so proved, and also a general description of the person so escaping, with such convenient certainty as may be; and a transcript of such record, authenticated by the attestation of the clerk and of the seal of the said court, being produced in any other State, Territory, or district in which the person so escaping may be found, and being exhibited to any judge, commissioner, or other officer authorized by the law of the United States to cause persons escaping from service or labor to be delivered up, shall be held and taken to be full and conclusive evidence of the fact of escape, and that the service or labor of the person escaping is due to the party in such record mentioned. And upon the production by the said party of other and further evidence if necessary, either oral or by affidavit, in addition to what is

contained in the said record of the identity of the person escaping, he or she shall be delivered up to the claimant. And the said court, commissioner, judge, or other person authorized by this act to grant certificates to claimants of fugitives, shall, upon the production of the record and other evidences aforesaid, grant to such claimant a certificate of his right to take any such person identified and proved to be owing service or labor as aforesaid, which certificate shall authorize such claimant to seize or arrest and transport such person to the State or Territory from which he escaped: *Provided*, That nothing herein contained shall be construed as requiring the production of a transcript of such record as aforesaid. But in its absence the claim shall be heard and determined upon other satisfactory proofs, competent in law.

APPENDIX II

TREATY WITH MEXICO, DECEMBER 30, 1853

By it were settled the boundary difficulties arising out of the Treaty of Guadalupe Hidalgo and the question of transportation across the Isthmus of Tehuantepec.

ART. I. The Mexican Republic agrees to designate the following as her true limits with the United States for the future: Retaining the same dividing line between the two Californias as already defined and established, according to the 5th article of the treaty of Guadalupe Hidalgo, the limits between the two republics shall be as follows: Beginning in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, as provided in the fifth article of the treaty of Guadalupe Hidalgo; thence, as defined in the said article, up the middle of that river to the point where the parallel of 31° 47′ north latitude crosses the same; thence due west one hundred miles; thence south to the parallel of 31° 20′ north latitude; thence along the said parallel of 31° 20′ to the 111th meridian of longitude west of Greenwich; thence in a straight line to a point on the Colorado River twenty English miles below the junction of the Gila and Colorado Rivers; thence up the middle of the said river Colorado until it intersects the present line between the United States and Mexico.

The dividing line thus established shall, in all time, be faithfully respected by the two Governments, without any

variation therein, unless of the express and free consent of the two, given in conformity to the principles of the law of nations, and in accordance with the constitution of each country, respectively.

In consequence, the stipulation in the 5th article of the treaty of Guadalupe upon the boundary line therein described is no longer of any force, wherein it may conflict with that here established, the said line being considered annulled and abolished wherever it may not coincide with the present, and in the same manner remaining in full force where in accordance with the same.

ART. II. The Government of Mexico hereby releases the United States from all liability on account of the obligations contained in the eleventh article of the treaty of Guadalupe Hidalgo; and the said article and the thirty-third article of the treaty of amity, commerce, and navigation between the United States of America and the United Mexican States, concluded at Mexico on the fifth day of April, 1831, are hereby abrogated.

ART. III. In consideration of the foregoing stipulations, the Government of the United States agrees to pay to the Government of Mexico, in the city of New York, the sum of ten millions of dollars, of which seven millions shall be paid immediately upon the exchange of the ratifications of this treaty, and the remaining three millions as soon as the boundary line shall be surveyed, marked, and established.

ART. IV. The provisions of the 6th and 7th articles of the treaty of Guadalupe Hidalgo having been rendered nugatory for the most part by the cession of territory granted in the first article of this treaty, the said articles are hereby abrogated and annulled, and the provisions as herein expressed substituted therefor. The vessels and citizens of the United States shall, in all time, have free and uninterrupted passage through the Gulf of California, to and from their possessions situated north of the boundary line of the two countries. It being understood that this passage is to be by navigating the Gulf of California and the river

Colorado, and not by land, without the express consent of the Mexican government; and precisely the same provisions, stipulations, and restrictions, in all respects, are hereby agreed upon and adopted, and shall be scrupulously observed and enforced, by the two contracting Governments, in reference to the Rio Colorado, so far and for such distance as the middle of that river is made their common boundary line by the first article of this treaty.

The several provisions, stipulations, and restrictions contained in the 7th article of the treaty of Guadalupe Hidalgo shall remain in force only so far as regards the Rio Bravo del Norte, below the initial of the said boundary provided in the first article of this treaty; that is to say, below the intersection of the 31° 47′ 30″ parallel of latitude, with the boundary line established by the late treaty dividing said river from its mouth upwards, according to the 5th article of the treaty of Guadalupe.

ART. V. All the provisions of the eighth and ninth, sixteenth and seventeenth articles of the treaty of Guadalupe Hidalgo shall apply to the territory ceded by the Mexican Republic in the first article of the present treaty, and to all the rights of persons and property, both civil and ecclesiastical, within the same, as fully and as effectually as if the said articles were herein again recited and set forth.

ART. VI. No grants of land within the territory ceded by the first article of this treaty bearing date subsequent to the day—twenty-fifth of September—when the Minister and subscriber to this treaty on the part of the United States proposed to the Government of Mexico to terminate the question of boundary, will be considered valid or be recognized by the United States, nor will any grants made previously be respected or be considered as obligatory which have not been located and duly recorded in the archives of Mexico.

ART. VII. Should there at any future period (which God forbid) occur any disagreement between the two nations which might lead to a rupture of their relations and reciprocal

peace, they bind themselves in like manner to procure by every possible method the adjustment of every difference; and should they still in this manner not succeed, never will they proceed to a declaration of war without having previously paid attention to what has been set forth in article 21 of the treaty of Guadalupe for similar cases; which article, as well as the 22d, is here re-affirmed.

ART. VIII. The Mexican Government having on the 5th of February, 1853, authorized the early construction of a plank and rail road across the Isthmus of Tehuantepec, and, to secure the stable benefits of said transit way to the persons and merchandize of the citizens of Mexico and the United States, it is stipulated that neither Government will interpose any obstacle to the transit of persons and merchandize of both nations; and at no time shall higher charges be made on the transit of persons and property of citizens of the United States than may be made on the persons and property of other foreign nations, nor shall any interest in said transit way, nor in the proceeds thereof, be transferred to any foreign government.

The United States, by its agents, shall have the right to transport across the isthmus, in closed bags, the mails of the United States not intended for distribution along the line of communication; also the effects of the United States Government and its citizens, which may be intended for transit, and not for distribution on the isthmus, free of custom-house or other charges by the Mexican Government. Neither passports nor letters of security will be required of persons crossing the isthmus and not remaining in the country.

When the construction of the railroad shall be completed, the Mexican Government agrees to open a port of entry in addition to the port of Vera Cruz, at or near the terminus of said road on the Gulf of Mexico.

The two Governments will enter into arrangements for the prompt transit of troops and munitions of the United States, which that Government may have occasion to send

from one part of its territory to another, lying on opposite sides of the continent.

The Mexican Government having agreed to protect with its whole power the prosecution, preservation, and security of the work, the United States may extend its protection as it shall judge wise to it when it may feel sanctioned and warranted by the public or international law.

ART. IX. This treaty shall be ratified, and the respective ratifications shall be exchanged at the city of Washington within the exact period of six months from the date of its signature, or sooner if possible.

In testimony whereof, we, the Plenipotentiaries of the contracting parties, have hereunto affixed our hands and seals at Mexico, the thirtieth (30th) day of December, in the year of our Lord one thousand eight hundred and fifty-three, in the thirty-third year of the Independence of the Mexican Republic, and the seventy-eighth of that of the United States.

JAMES GADSDEN. [L. S.]
MANUEL DIEZ DE BONILLA. [L. S.]
JOSÉ SALAZAR YLARREGUI. [L. S.]
J. MARIANO MONTERDE. [L. S.].

APPENDIX III

CABINET OFFICERS—1837–1860

1837–1845.—*Secretary of State*, John Forsyth, Georgia, March 4, 1837 (continued); Daniel Webster, Massachusetts, March 5, 1841; Hugh S. Legaré, South Carolina, May 9, 1843; Abel P. Upshur, Virginia, July 24, 1843; John C. Calhoun, South Carolina, March 6, 1844. *Secretary of the Treasury*, Levi Woodbury, New Hampshire, March 4, 1837 (continued); Thomas Ewing, Ohio, March 5, 1841; Walter Forward, Pennsylvania, September 13, 1841; John C. Spencer, New York, March 3, 1843; George M. Bibb, Kentucky, June 15, 1844. *Secretary of War*, Joel R. Poinsett, South Carolina, March 7, 1837; John Bell, Tennessee, March 5, 1841; John McLean, Ohio, September 13, 1841; John C. Spencer, New York, October 12, 1841; James M. Porter, Pennsylvania, March 8, 1843; William Wilkins, Pennsylvania, February 15, 1844. *Secretary of the Navy*, Mahlon Dickerson, New Jersey, March 4, 1837 (continued); James K. Paulding, New York, June 25, 1838; George E. Badger, North Carolina, March 5, 1841; Abel P. Upshur, Virginia, September 13, 1841; David Henshaw, Massachusetts, July 24, 1843; Thomas W. Gilmer, Virginia, February 15, 1844; John Y. Mason, Virginia, March 14, 1844. *Attorney-general*, Benjamin F. Butler, New York, March 4, 1837 (continued); Felix Grundy,

Tennessee, July 5, 1838; Henry D. Gilpin, Pennsylvania, January 11, 1840; John J. Crittenden, Kentucky, March 5, 1841; Hugh S. Legaré, South Carolina, September 13, 1841; John Nelson, Maryland, July 1, 1843. *Postmaster-general*, Amos Kendall, Kentucky, March 4, 1837 (continued); John M. Niles, Connecticut, May 25, 1840; Francis Granger, New York, March 5, 1841; Charles A. Wickliffe, Kentucky, September 13, 1841.

1845–1853.—*Secretary of State*, James Buchanan, Pennsylvania, March 6, 1845; John M. Clayton, Delaware, March 7, 1849; Daniel Webster, Massachusetts, July 15, 1850; Edward Everett, Massachusetts, November 6, 1852. *Secretary of the Treasury*, Robert J. Walker, Mississippi, March 6, 1845; William M. Meredith, Pennsylvania, March 8, 1849; Thomas Corwin, Ohio, July 15, 1850. *Secretary of War*, William L. Marcy, New York, March 6, 1845; George W. Crawford, Georgia, March 8, 1849; Charles M. Conrad, Louisiana, August 15, 1850. *Secretary of the Navy*, George Bancroft, Massachusetts, March 10, 1845; John Y. Mason, Virginia, September 9, 1846; William B. Preston, Virginia, March 8, 1849; William A. Graham, North Carolina, July 15, 1850; John P. Kennedy, Maryland, July 22, 1852. *Secretary of the Interior*, Thomas Ewing, Ohio, March 8, 1849; Thomas M. T. McKennan, Pennsylvania, August 15, 1850; Alexander H. H. Stuart, Virginia, September 12, 1850. *Attorney-general*, John Y. Mason, Virginia, March 6, 1845; Nathan Clifford, Maine, October 17, 1846; Isaac Toucey, Connecticut, June 21, 1848; Reverdy Johnson, Maryland, March 8, 1849; John J. Crittenden, Kentucky, July 15, 1850. *Postmaster-general*, Cave Johnson, Tennessee, March 6, 1845; Jacob Collamer, Vermont, March 8, 1849; Nathan K. Hall, New York, July 15, 1850; Samuel D. Hubbard, Connecticut, August 31, 1852.

1853–1861.—*Secretary of State*, William L. Marcy, New York, March 7, 1853; Lewis Cass, Michigan, March 6, 1857; Jeremiah S. Black, Pennsylvania, December 17, 1860. *Secretary of the Treasury*, James Guthrie, Kentucky, March 7, 1853; Howell Cobb, Georgia, March 6, 1857; Philip F. Thomas, Maryland, December 12, 1860; John A. Dix, New York, January 14, 1861. *Secretary of War*, Jefferson Davis, Mississippi, March 7, 1853; John B. Floyd, Virginia, March 6, 1857; Joseph Holt, Kentucky, January 18, 1861. *Secretary of the Navy*, James C. Dobbin, North Carolina, March 7, 1853; Isaac Toucey, Connecticut, March 6, 1857. *Secretary of the Interior*, Robert McClelland, Michigan, March 7, 1853; Jacob Thompson, Mississippi, March 6, 1857. *Attorney-general*, Caleb Cushing, Massachusetts, March 7, 1853; Jeremiah S. Black, Pennsylvania, March 6, 1857; Edwin M. Stanton, Ohio, December 20, 1860. *Postmaster-general*, James Campbell, Pennsylvania, March 7, 1853; Aaron V. Brown, Tennessee, March 6, 1857; Joseph Holt, Kentucky, March 14, 1859; Horatio King, Maine, February 12, 1861.

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